DOCUMENT RESUME

ED 248 161 SO 015 849

AUTHOR	Schechter, Stephen L., Ed.
TITLE	Teaching about American Federal Democracy.
INSTITUTION	Temple Univ., Philadelphia, Pa. Center for the Study of Federalism.
REPORT NO	ISBN-0-916111-00-8
PUB DATE	84
GRANT	NIE-G-82-0039
NOTE	101p.; This publication is part of the "Utilizing Federalist Principles in Civic Education" project.
AVAILABLE FROM	Center for the Study of Federalism, Temple University 025-25, Philadelphia, PA 19122 (free).
PUB TYPE	Collected Works - General (020) -- Viewpoints (120) -- Guides - Classroom Use - Guides (For Teachers) (052)
EDRS PRICE	MF01/PC05 Plus Postage.
DESCRIPTORS	*Citizenship Education; *Civics; Constitutional History; Constitutional Law; Cultural Pluralism; Curriculum Development; *Democracy; Higher Education; Local Government; Political Science; Resource Materials; Secondary Education; State Government; Textbook Evaluation; *United States Government (Course); United States History
IDENTIFIERS	*Federalism; Political Parties

ABSTRACT

Ten essays discuss federal democracy, the form of government of the United States. The first essay discusses the origins of American federalism. The second examines why we have a federal system, the functions federalism serves, and the consequences of federalism for the American political system. Federalism in the Constitution and constitutional law are treated in the third essay. The importance of cultural pluralism in American life and the role of American federalism in supporting pluralism are the foci of the fourth essay. The roles that the local community, the states, and political parties play in the federal system are examined in essays 5, 6, and 7, respectively. State, local, and professional roles in citizenship education are discussed in the eighth essay. The ninth essay explores how high school U.S. history and government textbooks approach federalism. The concluding essay describes resources on federalism that can be used in curriculum development at the secondary and college levels. Many of the essays are followed by topics for further study and suggested readings for teachers. (RM)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED248161

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☐ This document has been reproduced as received from the person or organization originating it.
☒ Minor changes have been made to improve reproduction quality.
- Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
C.S.F. Associates
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Teaching About American Federal Democracy

Stephen L. Schechter, Editor

sponsored by
Center for the Study of Federalism
Temple University, Philadelphia, PA

SO 015 849

Teaching About American Federal Democracy

Edited by
Stephen L. Schechter
Russell Sage College

This publication, *Teaching About American Federal Democracy*, is prepared and distributed by the Center for the Study of Federalism as part of a project, "Utilizing Federalist Principles in Civic Education," supported by a grant from the National Institute of Education, U.S. Department of Education, Washington, D.C. 20208. (Grant No. NIE-G-82-0039.) The views expressed in this publication are those of the authors and do not necessarily reflect the views of the National Institute of Education.

The Center for the Study of Federalism, established in 1967, is an interdisciplinary research and educational institute dedicated to advance the study of federal principles, institutions, and process as practical means of organizing political power in free societies. By initiating, sponsoring, and conducting research and educational projects, the Center seeks to increase and disseminate knowledge of the American and other federal systems, and federalism in general, and to train students as specialists in the growing field of intergovernmental relations. The Center is located in Temple University's College of Liberal Arts and is associated with the Department of Political Science.

Requests for additional information should be sent to Professor Ellis Katz, Center for the Study of Federalism, Gladfelter Hall—10th Floor, Temple University, Philadelphia, PA 19122.

CSF Associates, Philadelphia, PA 19102
©1984 by Publius Books, a division of CSF Associates.
All rights reserved
Printed in the United States

ISBN 0-916111-00-8

Design and Production by Lawrence A. Clancy
Composition by Word Management Corp.
Printing by Crest Litho

Cover Illustration: The State House [Independence Hall], Philadelphia, 1776. Courtesy of The Historical Society of Pennsylvania, Philadelphia, PA 19107

Contents

List of Contributors

Page
Introduction by Stephen L. Schechter 3

1. The American System as a Federal Democracy 7
by Daniel J. Elazar

2. Virtue and the Federal Republic 17
by Donald S. Lutz

3. Federalism in the Constitution and Constitutional Law: The Constitution as a Federalist and Antifederalist Document 25
by Samuel Krislov

4. E Pluribus Unum: Pluralistic Diversity and Federal Democracy in America 33
by John Kincaid

5. The Local Community: An Arena for Citizenship in the Federal System 49
by Robert H. Salisbury

6. The Role of the States in the American Federal System 57
by Stephen L. Schechter

7. Political Parties in the American Federal System 67
by John F. Bibby

8. The Uses of Blandness: State, Local, and Professional Roles in Citizenship Education 79
by Frederick M. Wirt

9. Federalism in Secondary School American History and Government Textbooks 91
by Ellis Katz

10. Resources on Federalism for Curriculum Development 99
by John Kincaid

List of Contributors

John F. Bibby is Professor of Political Science at the University of Wisconsin, Milwaukee, and Adjunct Scholar at the American Enterprise Institute, Washington, D.C. He has written numerous articles on the political party system and is co-author (with Cornelius P. Cotter) of a forthcoming book on state political parties, based on research conducted with the support of a grant from the National Science Foundation. For the past ten years, he has directed Taft Institute seminars for teachers.

Daniel J. Elazar is Professor of Political Science and Director of the Center for the Study of Federalism at Temple University, Philadelphia, where he is Editor of the quarterly journal *Publius*. He also is Professor of Political Studies at Bar-Ilan University, Ramat Gan, Israel, and President of the Jerusalem Institute for Public Affairs. One of the leading experts on American and comparative federalism, he has written extensively on the subject. His books include the textbook, *American Federalism: A View from the States*, now in its third edition (1984).

Ellis Katz is Associate Professor of Political Science at Temple University, Philadelphia, Pennsylvania, and has served as Acting Director of the Center for the Study of Federalism at Temple University. He is the Coordinator of the Pennsylvania Educational Seminar, Director of various Taft Institute seminars for teachers, and actively involved in the field of state education policy. He has written on the subjects of state education policy, the politics of education, and constitutional law.

John Kincaid is Associate Professor of Political Science at North Texas State University, Denton, where he also directs public education programs on the bicentennial of the U.S. Constitution, supported by a grant from the National Endowment for the Humanities. He is the Associate Editor of *Publius* and has written numerous works in the field of political theory and political culture. He is the editor of *Political Culture, Public Policy, and the American States* (1982).

Samuel Krislov is Professor of Political Science and Adjunct Professor of Law at the University of Minnesota, Minneapolis. A leading authority on the subjects of American constitutional law and the judicial process, he is the co-author (with David H. Rosenbloom) of *Representative Bureaucracy and the American Political System* (1981).

Donald S. Lutz is Professor of Political Science at the University of Houston. His fields of interest include American political theory and American politics. Specializing in colonial and early American political theory, his works include *Popular Consent and Popular Control: Whig Political Theory in the Early State Constitutions* (1980) and the two-volume collection, *American Political Writing During the Founding Era*, co-edited with Charles S. Hyneman (1983).

Robert H. Salisbury is Sidney W. Sours Professor of Political Science at Washington University, St. Louis, Missouri. A leading authority on American politics, he has written extensively in the fields of community politics, citizenship education, and the politics of education. His most recent works include *Citizen Participation in the Public Schools* (1980).

Stephen L. Schechter is Associate Professor of Political Science at Russell Sage College,Troy, New York, where he also is the Director of the Upper Hudson program, specializing in teachers' institutes and public education programs on the local history of New York State. He is the Annual Review Editor of *Publius* and has written various articles on state and local politics and the politics of intergovernmental relations.

Frederick M. Wirt is Professor of Political Science at the University of Illinois, Urbana. One of the leading experts on the politics of education, he is Director of the Politics of Education Series, Lexington Books, and the author of numerous works on the subject. He is the co-author (with Michael Kirst) of *Political and Social Foundations of Education*, second edition (1975) and *Schools in Conflict: The Politics of Education*, revised edition (1982).

Introduction

Some social studies topics can be effectively contained in a single teaching unit. A political institution, such as the U.S. Congress, lends itself to discrete treatment as one part of the American system of government, in much the same way as an historical period (e.g., the Civil War generation) can be treated as a stage in the flow of American history.

Other topics are most effectively utilized as course themes that can be introduced in one unit and developed later in the course. A political principle, such as democracy, can be introduced and defined in one unit, as is often the case in textbooks of American government. But that principle can also be treated in subsequent units on the workings of American institutions or development of American history. In this way, the student is in a better position not only to gain a practical understanding of how a principle like democracy works in action, but also to acquire some of the touchstones for evaluating the political institutions or historial periods that are the subject of subsequent units.

This collection of essays contains a mix of thematic and topical contributions for use by teachers in developing ideas for their courses in American government and American history. The themes of this collection are set out in this essay and developed in the essays by Daniel J. Elazar, John Kincaid, and Donald S. Lutz. These themes are then applied to specific subjects of American government in the essays by John F. Bibby on the political party system, Samuel Krislov on the Constitution and constitutional law, Robert H. Salisbury on the local community, Frederick M. Wirt on the politics of citizenship education, and my own essay on the role of the states in the American federal system.

Written by political scientists, all of the foregoing essays are substantive in nature, addressing the key concepts and issues of their respective fields in terms of the organization of the American system as a federal democracy. However, most of these essays also contain sections on suggested topics and readings for further study. Following up on the concluding suggestions in Wirt's essay, the final contributions by Ellis Katz and John Kincaid explore, respectively, the treatment of federalism in American government and history textbooks and the availability of supplementary resources on federalism for curriculum development.

Three basic themes of American history and government recur throughout this collection. Each theme begins with a question: What are the bases for public choice and consent in the American system? How does the American system provide for the allocation of power and the limits on its use? How are the pressures for diversity and uniformity reconciled in the American system? The answers offered in this collection present three facets of American federal democracy; a system based on the republican principle of popular consent, organized by the federalist principle of allocating power within a system of shared powers, and sustained by pluralistic responses to diversity.

Republicanism as a Matter of Choice

Today, the ideas of political consent are so widely accepted that they are often taken for granted until one is confronted with the stark limits of poverty at home or dictatorship abroad. Yet, barely two centuries ago, when the American republic was little more than a vision, the idea of government by choice was still an open question. In fact, it was the very question posed by Publius in *Federalist* No. 1—"whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force."

Though Federalists and Antifederalists disagreed over the nature of the new republic, both cast their lot with republican government and its animating principle—the consent of the governed. What were the sources of this republican principle? Toward what ends was it directed by the framers of the Constitution? What are its implications for citizenship today?

In his introductory essay, Elazar argues that the sources of American republicanism and its consent-based theory cannot be satisfactorily explained by the "solitary man" notion of individualism, often ascribed to Locke, or its collectivist alternatives. Instead, Elazar looks to the federalist notion of "individuals-in-partnership" and its origins in the biblical tradition of covenanting. In his essay on the meaning of the Constitution, Lutz also seems to rely on the covenantal tradition, charting its course from the communitarian model of colonial charters and early state constitutions to the Madisonian model of constitutional design. For Lutz, the theory of the Constitution relied on the concept of virtue; namely, "the belief that the people are virtuous in the sense of pursuing the long-term aggregate interests of the community."

But what are the implications in all this for the exercise of citizenship today? Salisbury tackles this question in his essay on the local community as an arena for citizenship in the federal system. Salisbury distinguishes two forms of citizenship: "republican," similar to the communitarian model as depicted by Lutz, "whereby citizens participate in order to create and maintain the institutions and processes of civil communities without which they could not effectively pursue their private interests; and instrumental, whereby participation is directed toward securing individual and group rights and benefits in a context of conflict with others." Republican citizenship, as Salisbury explains, requires homogeneity of interests; instrumental citizenship emerges after that homogeneity is destroyed. How these forms of citizenship function and interact is the subject of Salisbury's essay.

The implications of this for the classroom are far-reaching indeed: Connections can be made back through Western civilization to two traditions of citizenship—the covenental tradition of partnership and the Lockean (or natural rights) tradition of individualism—and then extended to the present by attempting to elicit student orientations toward citizenship. A list of characteristics can be made for each tradition.[1] Students can discuss the strengths and weaknesses of each tradition. Students can then discuss these traditions in terms of contemporary political orientations. How would each orientation inform the way in which political choices are made, consenting majorities are fashioned, and minority rights are protected?

Federalism and the Matrix of Power

The American system is a compound republic, not a simple republic in which preferences and governmental policies neatly flow to and from one national center of power. Hence, the second major theme of this collection has to do with the way in which political power is organized, distributed, and limited in the American system; a theme rich in issues of centralization and decentralization. Of primary emphasis here is the concept of federalism, conceived not simply as an administrative device or a legal doctrine, but as a full-bodied political principle. As defined in Elazar's essay, "federalism deals with the constitutional diffusion of power so that the general [or "national"] and constituent [or "state"] governments share in the processes of policy-making and administration by right while the activities of government are conducted so as to respect their respective integreties. . . ."

Elazar, Lutz and Salisbury explore the relationship between the concepts of citizenship and federalism. For Elazar, the covenantal tradition of partnership is manifest not only in the social principles regarding the individual and society but also in the political principle of federalism. Lutz examines the importance of federalism for creating and preserving a federal Constitution based upon virtue. Salisbury focuses on the ways in which federalism, as a framework of politics, can provide multiple arenas and avenues for the expression of local community interests.

The implications of federalism for constitutional law and institutional behavior are examined in three essays. In his essay, Krislov focuses on the tension between nationalism and localism in the Constitution and constitutional law. As Krislov observes, the Constitution itself embodies these tensions as a Federalist and Antifederalist document. While Krislov underscores the prevailing tendencies toward nationalism in court decisions of the twentieth century, he also emphasizes the continuing importance of localism. Krislov also directs attention to the recent revival of localizing tendencies in federal court decisions and in the increased reliance on state courts by civil rights groups. "The Constitution," writes Krislov, "has served us well in the field of federalism, giving us a flexible instrument that permits subtle shifts back and forth between general and local authority as social needs require." As Krislov concludes: "The challenge today is to restore the constitutional balance, the original framing principle—to establish, if not indestructible, at the very least healthy, states in a healthy Union."

My own essay examines the implications of federalism for the role of the states in the federal system. Two basic roles are distinguished: the administrative role of the states as "middle managers," implementing national policy and overseeing local spending of federal funds; and the political role of the states as "constituent polities," influencing the course of national policy, joining in its implementation, but also governing public affairs in state arenas. In historical terms, it is argued that the role of the states as consitituent polities was reaffirmed by the Constitutional Convention, the Civil War, and the "constitutional revolution of 1937." The implications of this role are examined in terms of federal-state relations and state-local relations. Recognizing the centralizing tendencies of American politics since 1937, evidence is offered that the states continued to function as polities during this period, albeit as part of a more tightly woven national fabric. This essay concludes with a discussion of the continuing relevance of the states in the federal system.

Issues of centralization and decentralization are not confined to the intergovernmental system. In his essay, Bibby examines three inter-related dimensions of the political system, each of which reveals the delicate balance between national concerns and the interest of state and local constituencies within today's two major parties. The first is the dimension of long-term party decline, as indicated not only by changing voter preferences and the emergence of party competitors (such as political action committees or PACs), but also by changing patterns of candidate selection (including the development of "presidential parties" and the process of congressional self-selection). The second dimension concerns the internal organization of the two major parties, focusing on recent efforts by the two national party committees to revitalize their respective party systems, perhaps at the price of centralized rule-making (for the Democratic party) or centralized fund-raising (for the Republican party). The third dimension concerns government regulation of political parties and public policies affecting campaign activities and the electoral system. As concerns electoral reform, Bibby examines proposals for a national presidential primary and for the abolition of the electoral college.

The clearest implication of federalism for classroom discussion centers on what might be termed "the locus of power." If the first theme of this collection focuses on the meaning of citizenship and the differing orientations toward it, the second theme of federalism and the allocation of power concerns how and where citizenship is most effectively exercised. Depsite the twentieth century tendencies toward centralization, the American system remains, as Elazar suggests, more of a matrix of overlapping arenas or forums than a pyramid of neatly drawn levels. As a result, the facts of American politics remain federalist not nationalist facts. Hence, one of the principal requirements for effective citizenship remains knowing *where* to go to have one's political concerns addressed in a system of multiple jurisdictions. As an activity, students might select a concern to be addressed (e.g., highway safety) and construct a "power map" of where to go to seek a redress of their grievances. Using the local telephone book and government directories, students will quickly discover the matrix (or perhaps the labyrinth) of federal, state, and local government agencies and nongovernmental organizations involved in their area of concern. However, once the system is entered students may also discover the value of having more than one avenue to pursue.[2]

Pluralism and the Politics of Diversity

At various points in the process of selecting policy concerns and mapping a strategy for having those concerns addressed, students will encounter a third theme of American politics and of this collection; namely, that of pluralism. As Kincaid explaining in his essay, pluralism is a social fact, a political fact, and a principle. Most frequently understood as a social fact, pluralism highlights the fact that Americans are a people of diverse backgrounds and orientations. As a political fact, pluralism addresses the diversity of interests and opinions that social pluralism can bring to the political arena. As a principle, pluralism stresses the value of learning to appreciate human differences, tolerate political differences, and build working coalitions of otherwise separate minorities. In this respect, pluralism can be viewed as a kindred principle of federalism. In another respect, federalism can be viewed as the territorial expression of pluralism. These various perspectives of pluralism are fully drawn out in Kincaid's essay.

As political principles, both federalism and pluralism stress a healthy respect for diversity. But the two principles can collide over the question "Diversity for whom?" Communities or states with a homogeneous past can attempt to maintain their identity by setting community standards; and, up to a point, such policies are a legitimate exercise of power with potentially rewarding implications for the citizenry. But community standards designed to preserve relatively homogenous communities can also collide with the rights of individuals and minorities living in those communities. In his essay, Krislov introduces several court cases that speak to this issue, while Salisbury's essay presents a number of political situations in which this issue can arise.

In his essay, Wirt examines the impact of pluralism on the politics of citizenship education. As Wirt explains, the pluralism of American society generates many subcultures, each sharing often distinctive values, while the unifying elements of American society generate a national culture. Called upon to deal with these social and political facts, citizenship education programs tend to emphasize the national values in a way that minimizes the potential conflict that subcultures create. "The result," Wirt finds, "is a 'blandness' in textbooks, course content, and pedagogy." Wirt examines the implications of this finding for citizenship education and the ways in which it can be improved.

Here, too, there are implications for the classroom. Faced with the need for collective decision-making can students find ways to accommodate the diversity of classroom opinion without making the results too bland? If not, can they list the problems they faced and distinguish those obstacles that were insurmountable? To illustrate these points, students might consider a policy issue that makes use of their power map; or a new and less technical issue can be introduced, such as voluntary school prayer or another constitutional amendment issue, thereby drawing attention back to the Constitution as a "living document."[3]

Assessing Available Resources

The foregoing themes are not adequately developed or integrated in standard textbooks on American history and government. That is the principal reason for undertaking this collection of substantive essays. It is also the reason for planning follow-up projects on the development of classroom resources—a process scheduled to begin in the summer of 1984 with a month-long teachers' institute sponsored by the Center for the Study of Federalism.

Three essays provide a bridge between these steps. In his essay, Wirt identifies a number of institutional resources in the American Political Science Association and elsewhere that might provide the basis for a network of persons interested in questions of federalism and citizenship education.

In his essay, Katz takes on the critically important task of assessing secondary school textbooks on American history and government. First, Katz reviews the standard texts; five in American government and five in American history. Confirming earlier findings of a more generalized nature, Katz finds that the texts "provide almost no consideration of theory, very little attention to the dynamics of the political process, and almost no discussion of issues. . . ." Katz then identifies the primary topics treated in American history and government textbooks and compares their treatment in terms of the question "What if federalism were utilized as a thematic approach?" In this way, Katz is able to pinpoint those chapters which can be keyed to supplementary resources and offer suggestions on how this might be accomplished.

In his resource guide, Kincaid reviews the literature on American federalism, including primary and secondary source material for curriculum development. His guide focuses on founding principles, federalism in American history, contemporary federalism, and state and local politics; and it is designed to supplement, not duplicate, the suggested reading found in the other contributions to this volume.

A Concluding Note

This collection of essays was prepared under the auspices of the Center for the Study of Federalism at Temple University as part of a project, "Utilizing Federalist Principles in Civic Education," supported by a grant from the National Institute of Education, U.S. Department of Education. Outlines of the collection and its individual contributions were presented and discussed at a meeting held in Philadelphia, 22-23 November 1982. Working drafts of the individual contributions were then presented and discussed at a second meeting held in Chicago, 30-31 August 1983, in conjunction with the Annual Meeting of the American Political Science Association. The participants at the first meeting included the contributors to this collection and two project consultants—Barry Adler, Principal of Thomas Paine Elementary School, Cherry Hill, New Jersey, and Jo Ann Weinberger of the Pennsylvania Department of Education. Joining the contributors at the second meeting were Barry Adler and Robert B. Hawkins, Jr., Director of the Sequoia Institute, Sacramento, California, and Chairman of the U.S. Advisory Commission on Intergovernmental Relations.

The rationale for this collection, and the project of which it is a part, is threefold: First, the idea of American federal democracy and its allied principles—of republicanism, federalism, and pluralism—are central themes in both the theory and practice of American politics. Second, unlike many other themes, federal democracy is difficult to impart to students because the concept of federalism is treated in textbooks and elsewhere as a rather dry institutional subject of court cases and intergovernmental grants. Third, unless the difficulties of teaching about federalism can be overcome, there is every likelihood that its relevance—to the constitutional experiment of 1787 and to the exercise of citizenship today—will be underestimated in educational programs commemorating the upcoming bicentennial of the federal Constitution.

For the foregoing reasons, this collection represents a first step toward reintroducing the ideas and principles of American federal democracy as themes for curriculum development in courses on American government, American history, and citizenship education. As a first step, this collection focuses on the substantive knowledge of the American federal system; and, in this respect, our collection strives to present the latest developments in scholarly thinking and public policy concerning the American federal system. At the same time, the contributors are teachers in their right and quite cognizant of the special limits and potential of utilizing the themes of American federal democracy in curriculum development. For this reason, the individual contributions and the overall collection seek to bridge some of the gaps that presently exist between (1) the substantive knowledge of the workings of the American federal system, (2) the topics and issues of citizenship that are treated in the secondary school curriculum in the social studies, and (3) the secondary school textbooks of American history and government.

In attempting to realize these goals, a special word of thanks goes to Barry Adler, whose continuous support and positive suggestions helped keep this project on track; to Donald Lutz, who proposed and demonstrated the use of incorporating sections on suggested topics and readings in each of the contributing essays; to the other contributors, who went the extra distance in linking the substantive knowledge of their respective field with topics of citizenship and resources for curriculum development; to Ellis Katz, for his work in coordinating the overall project; and to Daniel Elazar, for his work in guiding the project along. A final word of thanks is extended to the National Institute of Education for their assistance in making this undertaking possible.

Endnotes

[1] For ideas on how to organize this project, see Daniel J. Elazar, *American Federalism: A View from the States,* (3rd ed.; New York: Harper & Row, 1984), especially Chapter 5, and a helpful table (pp. 120-121) which presents characteristics of three political subcultures and their orientations toward various aspects of American politics and citizenship roles.

[2] For ideas on how to organize this project, see *Studying the Civil Community: A Guide for Mapping Local Political Systems* (Philadelphia: Center for the Study of Federalism, n.d.).

[3] Unreviewed, but of potential help in organizing this project, is *Lessons of the United States Constitution,* a collection of lesson plans prepared by John H. Patrick and Richard Remy, and distributed by Project '87, 1527 New Hampshire Avenue, NW, Washington, DC 20036, due to be released in Fall 1984.

1.

The American System as a Federal Democracy

Daniel J. Elazar
Jerusalem Center for Public Affairs
and
Temple University

Federal democracy is the form of government of the United States and federalism one of the animating principles of American civil society. Too often federalism is treated as simply an administrative device or a legal principle. In fact it is a political principle which informs the American body politic. As such federalism deals with the constitutional diffusion of power so that the general and constituent governments share in the processes of policy-making and administration by right while the activities of government are conducted so as to respect their respective integrities—all designed to reflect the popular will and directed toward serving public purposes. Federalism is also a social principle in that the idea of cooperation to link free people in common tasks as partners with all that it implies regarding unity and diversity is endemic to American institutions, nongovernmental as well as governmental.

American federalism has economic, social, and religious roots as well as political ones going back to the colonial period including a political tradition of compacting at least since the Mayflower Compact, an economic tradition of partnership through corporate organization, a religious tradition of church covenanting and the idea of federal liberty, and a social tradition which may be labelled "federalistic individualism"—that is to say emphasizing individual self-expression but not in an anarchic or separated way but in voluntary partnership with one another. All of these traditions stem from a basic commitment to covenanting (federal is from the Latin foedus which means covenant) as the basic mode of organizing human activity.

Throughout American history federalism has had to compete with three other orientations, radical individualism, collectivism, and corporatism. This essay suggests that federalism has predominated more often than not, though all three have been present in every stage of American historical development.

Political science has identified three ways in which polities come into existence: through conquest, organic development, and covenant. The American polity came into existence through the latter. As such it is based on the coming together of equals to create a body politic but who retain their respective integrities in their creation. Whereas conquest leads to the establishment of a power pyramid and organic development, a central elite which determines policy for the periphery, the federal approach establishes a matrix of coordinate entities framed by a common constitution and a general government. In the United States, the states are the basic cells in that matrix and the federal constitution and government its frame. The end result is a noncentralized political system emphasizing popular participation and control. This system of federalist democracy stands in sharp contrast to Jacobin democracy, the other product of modern democratic revolutions, which later became the basis for totalitarian regimes.

Federal democracy is the form of government of the United States, understanding that the term "form" signifies principles, structure, institutions, processes, and techniques all wrapped into one. In order to properly understand federal democracy as a form, we must first understand federalism as the animating principle of American civil society. Too often today federalism is treated as simply an administrative device or a legal principle. However, a closer look at American politics leads to the recognition that federalism is much more—a political principle which informs the American body politic.

As a political principle, federalism has to do with the constitutional diffusion of power so that the general and the various constituent governments share in the processes of policymaking and administration by right, while the activities of government are conducted in such a way as to respect their respective integrities. Implicit in the idea of federalism as it is understood in a democratic regime is that governments will be organized so as to reflect the popular will and will be directed toward serving public purposes or ends. They will be republican in the sense that each government will be a *res publica*.

In the last analysis, however, federalism is more than simply a political principle, especially in America. It is also a fundamental principle of social organization that has to do with the relationship among individuals and families as well as governments and polities. European theorists have recognized this explicitly in their writings because they have sought to foster federalism as both a political and social principle in societies where federal principles were not indigenous. Americans have generally ignored federalism as a social principle because it is so deeply imbedded in American culture and in the psyches of American people. A secularized version of what the Calvinist founders of so much of the United States termed "federal liberty"—with its linked political and social facets—has long been part of the American experience, as an unconscious set of behavior patterns, the matrix within which American political behavior is rooted.

The idea of cooperation to link free men and women in common tasks without violating their respective integrities as partners, with all that it implies regarding the building of unity amidst diversity (note the ambiguity of the American motto, *E Pluribus Unum*), is endemic to the American scene. American institutions—the pioneer congregations, the early business partnerships and corporations, and the first governments in so many of the colonies—were organized on federal principles that linked the political and social aspects of the federal idea to build a new society. In fact, the more ideologically committed to building a new and better society a particular group of colonists were, the more they relied upon federal principles in organizing their institutions.

In order to understand the over 350 years of the American federalist experience, we must examine American federalism in the broadest sense of the term—not as intergovernmental relations, as federalism has come to be interpreted from the managerial perspectives of the twentieth century; not as a matter of narrow legal doctrine as constitutional lawyers are wont to see it; not even as the grand political struggle between the Union and the states which covered the canvas of nineteenth-century historians—but as something close to the meaning of the French term "integral federalism," that is, as the animating and informing principle of the American political system flowing from a covenantal approach to human relationships.

Let us begin at the beginning with the founding of the first British North American colonies. We must do so because American federalism begins at the beginning. Indeed, it is the development of the social, economic, and constitutional as well as political bases of American federalism in the colonial period, that created the federalist political culture which influenced the framers of the Constitution to invent the federal system. As in every other aspect of American life, the colonial background was crucial. It was within the five generations of American colonial history that the basis was laid for a covenantal federalism. Indeed, it was so well established that Americans have taken it utterly for granted and have virtually ignored it ever since.

The Four Roots of American Federalism

As the form of the American polity, federalism has its roots not only in the political dimension of American society but in the economic, social, and religious dimensions as well. This is a point that is often overlooked and has been especially neglected in our own time. The political roots of American federalism spring to mind most easily—the Articles of Confederation and the Constitution being the foremost examples. In fact, those roots go back at least to the Mayflower Compact, a federal document in the original meaning of the term, that is to say, a covenant among parties seeking to unite for common purposes while preserving their respective integrities. For all intents and purposes, the Mayflower Compact and others like it marked the first federal acts on the part of people who were to become Americans. Between the Mayflower Compact and the Constitution of 1787 there were countless compacts, covenants, and constitutions creating churches and towns and colonies, and at least one inter-colonial confederation as well.

The economic roots of American federalism can be traced back to the early trading companies that sponsored British and Dutch settlement of North America and to the system of governance by sea laws encountered by the settlers on their Atlantic voyage. The trading companies were royal monopolies organized on a shareholding basis so that both ownership and control spread among the shareholders. In some cases, the shareholders remained in Europe and tried to hold the actual settlers within their grasp on the basis of their control of the company. Invariably this failed for political reasons. In a few cases, the settlers or some significant portion of them were themselves shareholders and, as such, combined political and economic control. In both cases, the pattern of shareholding led to a corporate structure that was at least quasi-federal in character. The governance of ships had a contractual character that at least involved federal principles (in the original sense), whereby every member of a ship's crew was in some respects a partner in the voyage. By signing the ship's articles, a crew member was entitled to an appropriate share of the profits while at the same time submitting himself to the governance of the captain and ship's officers. Thus, every voyage was based on a prior compact among all participants determining the economic and political arrangements which would prevail for that voyage. This system resurfaced in slightly different form in the organization of the wagon trains that crossed the plains, whose members compacted to provide for their internal governance during the long trek to the Pacific coast.

The religious expression of federalism was brought to the United States through the federal theology of the Puritans who viewed the world as organized through the covenants which God had made with mankind, binding God and man into a lasting union and partnership to work for the redemption of the world, but in such a way that both sides were free as partners must be to preserve their respective integrities. This daring notion lies at the basis of all later perceptions of human freedom since only free men can enter into covenants. Thus, implicit in the Puritan view is the understanding that God relinquished some of his own omnipotence to enable men to be free to compact with Him.

According to the federal theology, all social and political relationships are derived from that original convenant. Thus, communities of believers were required to organize themselves by covenant into congregations just as communities of citizens were required to organize themselves by covenant into towns. The entire structure of religious and political organization in New England was a reflection of this application of a theological principle to social and political life. Its echoes can be found in the economic life of the New England colonies as well.

Outside of New England, perhaps half of the churches were organized on the basis of congregational covenants and a fair share of the local governments as well. Early Virginia was also influenced by Puritan ideas to a great extent. Even after the eighteenth century secularization of the covenant idea, the behavioral pattern persisted to resurface on every frontier, whether in the miners' camps of southwestern Missouri, central Colorado, and the mother lode country in California, or in the agricultural settlements of the upper Midwest.

It should not be surprising that the social dimension of federalism became so pronounced given the convergence of these political, economic, and religious factors. Americans early became socialized into a kind of federalistic individualsim, that is to say, not the anarchic individualism of Latin countries, but an individualism that recognized the subtle bonds of partnership linking individuals even as they preserve their individual integrities. William James was later to write about the federal character of these subtle bonds in *A Pluralistic Universe* (1909). Indeed, American pluralism is based upon the tacit recognition of those bonds. Even though in the twentieth century the term pluralism has replaced all others in describing them, their federal character remains of utmost importance. (On the relationship between federalism and pluralism in the American system, see John Kincaid's contribution to this collection.) At its best, American society becomes a web of individual and communal partnerships in which people link with one another to accomplish common purposes or to create a common environment without falling into collectivism or allowing individualism to degenerate into anarchy. These links usually manifest themselves in the web of associations which we associate with modern society but which are particularly characteristic of covenanted societies such as that of the United States.

In a covenanted society the state itself is hardly more than an association writ large—endowed with exceptional, even coercive, powers but still an association with limited means and ends. Were Americans to adopt a common salutation, like "comrade" in the Soviet Union or "citizen" in the days of the French Revolution, in all likelihood the American salutation would be "pardner," the greeting of the archetypical American folk figure, the cowboy, who embodies this combination of individualism and involvement in organized society and who expresses the character of that involvement through the term "pardner."

The Individual and Society: Contrasting Orientations

Implicit in the foregoing is a specific conception of the proper relationship between the individual and society. Perhaps more than any other polity in human history the United States has consciously and explicitly focused upon that question as the cardinal question of politics. American history can be understood as a struggle between four major orientations toward the relationship between the individual and civil society (that slightly archaic early modern term which conveys so well the way in which all comprehensive societies necessarily have a political form and the way all good societies keep that political form from becoming totalitarian). All four orientations can be traced back to the first foundings of American settlement and have continued to manifest themselves in the American experience ever since. One of these is individualism. It is perhaps the best known and most celebrated, so much so that it is often thought to be the *only* legitimate American orientation. Another is collectivism, viewed by most as the opposite of individualism and as a kind of bogeyman to be rejected by all right-thinking Americans. A third is corporatism, an orientation rarely identified in its own right yet a powerful influence on the course of American history. The fourth is federalism, a term as familiar to Americans as individualism, in its own way almost as hallowed and certainly as misunderstood.

Americans and foreign observers alike have tended to emphasize American **individualism.** The American has been portrayed as the Lockean man, the solitary individual confronting a society which he has made through his contract with other solitary individuals, assessing both his rights and duties within the society on the basis of individual self-interest, hopefully rightly understood. The society, in turn, confronts the individual with all its massiveness, uncushioned by mediating groups of other than transient character. At its best, America as an individualistic society emphasizes the importance of individual rights, the limitations the existence of those rights places upon governments, and the responsibility of government to preserve and protect those rights. On the other hand, individualism has also provided a cover for social irresponsibility, especially (but not exclusively) on the part of the rich and the powerful and the fuel for an overwhelming alienation on the part of the detached individual. It was in answer to the latter strains within American individualism that collectivism emerged as a major force on the American scene.

Collectivist strains can be found from the very beginnings of American society. The first efforts at colonization on the part of the English, both at Jamestown and Plymouth, were based on collective effort and ownership. In both cases, within a year or two the experiment with collectivism was abandoned as a failure in favor of the encouragement of individual enterprise with far better results. The collectivist strain periodically resurfaced in other colonization efforts, particularly in the utopian colonies of the nineteenth century. These experiments represented the first attempts to utilize collectivism as an antidote to what were considered the evils of individualism and were initiated for the best of reasons. As long as the collectivist impulse was confined to a few relatively small experiments and all of the colonies either disappeared or transformed themselves into non-collectivist communities, collectivism had little influence on the body politic as such. Beginning with the New Deal, however, a collectivist approach began to be imposed on a national scale through massive government intervention.

The intellectual origins of this collectivist approach can be found in the post-Civil War years, in the last generation of the nineteenth century, when intellectual reformers seeking to eliminate the evils of industrial society, while retaining the benefits of industrialization, began to propose collectivist solutions to current social problems. Perhaps the foremost example of this new collectivist utopia was provided by Edward Bellamy in his novel, *Looking Backward*. In it he describes a society organized on military principles in which every person is mobilized for the active adult portion of his or her life within one grand pyramid to undertake the tasks of society. At the time, Bellamy's utopia was widely admired and clubs were established all over the country to advance his scheme. Today, in retrospect, with experience of such utopias in other parts of the world before us, we are appropriately horrified by the collectivist regimentation involved and appalled at Bellamy's naiveté regarding human nature when it comes to the exercise of power.

Less radical expressions of this collectivist impulse were expressed by people like Herbert Crowley, often identified with the Progressive movement. Crowley's ideas had more of an impact in that he did not seek an utter transformation of American society but rather an amelioration of existing conditions through more national government effort on a collectivist basis. It was the Crowleyan image which provided the basis for the kind of collectivism which emerged during the New Deal.

This is not to say that the New Deal was itself collectivist. It was far too unsystematic for that, and it is unlikely that Franklin D. Roosevelt wished to foster a collectivist America, but among those around him there were people who saw in collectivism—democratic collectivism to be sure—the only solution to the problems facing the country. Capitalizing on the moralistic strain in American society which periodically encourages Americans to try to impose single standards of behavior, even in delicate areas, upon the public, they and their heirs have succeeded in the intervening decades in creating a substantial collectivist thrust within the body politic. Needless to say, it is not known by that name. Sinclair Lewis once said that fascism could only come to the United Stated in the name of liberty. So, too, with collectivism.

Collectivism American style has often been encouraged by a third strain in American life, that of **corporatism.** In this context, corporatism may be defined as the organization of civil society through corporate structures which are able to efficiently focus considerable power and energy on the achievement of specific goals and which have a tendency to combine with one another to control common fields of endeavor, primarily economic, but potentially political as well. Such corporate bodies, while nominally broad-based, in fact are excellent devices for concentrating control in the hands of managers who are formally trustees for the broad group of owners (shareholders), but in fact have great freedom to maneuver. The shareholders, in return for relinquishing control to managers through the corporate framework, are in a position to gain profit without sharing responsibility since the corporation becomes a reified person standing apart from those who have combined to form, own, and manage it.

It is easy to see how corporatism of this kind can be closely linked with a kind of collectivism. In fact, that linkage also began with the very first English settlements on American shores. The first settlers were sent out by the great trading companies of England and Holland, the predecessors of the modern corporation. It was those trading companies which sought to utilize collectivist mechanisms to build their colonies until those mechanisms proved themselves to be unprofitable. This phase of corporatism did not last much beyond the first generation of settlement in each of the colonies. But the mere fact that the original colonies tended to be settled through such corporate structures has a significance that has been often overlooked in American history. It was only after corporate endeavors had laid the groundwork that other settlement agencies would pick up the momentum.

Much the same pattern recurred at each successive take-off point in the advance of the land frontier. Thus settlement of the trans-Appalachian West owed much to the initial work of fur and land corporations, while subsequent settlement of the trans-Mississippi West was in no small measure initiated by larger fur corporations and the great railroad corporations. Needless to say, the urban-industrial and the metropolitan-technological frontiers are closely related to corporatism. Even the initial wave of entrepreneurs on the urban-industrial frontier rapidly came to institutionalize their efforts in corporate structures. Indeed, the struggle in the Jacksonian era over the freedom to incorporate was crucial to the opening and development of the urban-industrial frontier. By the time of the opening of the metropolitan-technological frontier, pioneering was itself a corporate activity, in a matter reminiscent of the earliest days of land settlement, but even more so.

In the era of the land frontier, corporatism had strong competitors, so its role remained significant but not dominant, intervening at key junctures in American development, but then having to retreat before other factors. Even the nascent corporations were subject to other strong influences so that corporatism, as such, had less of an impact. It was only on the urban-industrial frontier that corporatism acquired a major role, but still by no means a dominant one. Corporations assumed significant economic roles and involved themselves in politics as a result, primarily to protect and advance their own interests. However, even the most ruthless among them did not seek to provide a model for organizing the polity. It was expected by all that corporate and political organizations existed for different purposes and hence drew from different models. Here, too, it was the intellectual reformers who borrowed corporate models in the last generation of the nineteenth century as the basis for many of their reform proposals. In the Progressive Era, they were joined by spokesman for corporate interests, who saw in the smooth workings of the great business corporations models to be adopted by governments, particularly municipal governments, to improve their efficiency.

Still, it was only with the coming of the metropolitan-technological frontier in the generation following World War II that the corporate model became identified with progress in the political realm. In that generation, there was a movement towards a linking corporatism and collectivism. This, in itself, marked a revolutionary shift. Collectivism was originally fostered in government to fight corporate power. In the end, however, the natural alliance between the two has tended to bring them together, at the expense of individualism.

The American people, who pride themselves on their individualism are, for the most part, unaware of the role which corporatism has played in their history, even though they have come to share many of its basic assumptions, often unbeknownst to them. Thus, for example, since Americans have inevitably defined efficiency in commercial terms (that is, what is efficient for the promotion of commerce is accepted as efficient for all purposes) they increasingly have come to accept corporate definitions of efficiency as corporations have become the dominant forces in commerce. Thus, political life has also been pushed in the direction of corporatist ideas with little questioning as to whether the basic assumptions of corporatism are applicable or appropriate in a democratic political arena.

Federalism is a fourth orientation in American life, one which has so dominated the mainstream of the American experiment that is has been utterly taken for granted. Since the days of the Puritan and Revolutionary founders, when John Winthrop could still talk of federal liberty and Thomas Jefferson of ward republics, federalism in this sense has sunk deeply into the American psyche. It is only in civil societies in which there are people searching for federalist solutions—France for example—that federalism is identified as a socio-political orientation in its own right. Intellectuals in those countries write about "integral federalism." In the United States, federalism has been integral to the American experience; hence, there has been no incentive to think of it as a chosen way of life.

Federalism as an orientation emphasizes each individual's place in a network of cooperative communities where individualism is not defined through one's detachment but through partnership with others, a network in which the individual does not confront society alone but through such mediating institutions as the family, the religious community, an ethnic group, or the like. It is this federalist way that has limited the anarchic tendencies inherent in individualism to generate the kind of disciplined independent which has been characteristic of American society. It is this federalist way which has enabled Americans to undertake collective action without embracing collectivism. It is this federalist way which has provided both the political and social dimensions necessary to harness the power generated by corporatism and direct it towards the goals of justice which animate American civil society.

Federalism and the Origins of the Polity

The opening paragraph of *The Federalist* papers poses "the important question" on the founding of the American polity:

> It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force (*Federalist* No. 1).

Since its beginnings, political science has identified three basic ways in which polities come into existence: conquest (force, in the words of *Federalist* No. 1), organic development (for *The Federalist*, accident), and covenant (choice). These questions of origins are not abstract; the mode of founding of a polity does much to determine the framework for its subsequent political life.

Conquest can be understood to include not only its most direct manifestation (a conqueror gaining control of a land or a people), but also such subsidiary ways as a revolutionary conquest of an existing state, a coup d'etat, or even an entrepreneur conquering a market and organizing his control through corporate means. Conquest tends to produce hierarchically organized regimes ruled in an authoritarian manner: power pyramids with the conquerer on top, his agents in the middle, and the people underneath the entire structure (Figure 1). The original expression of this kind of

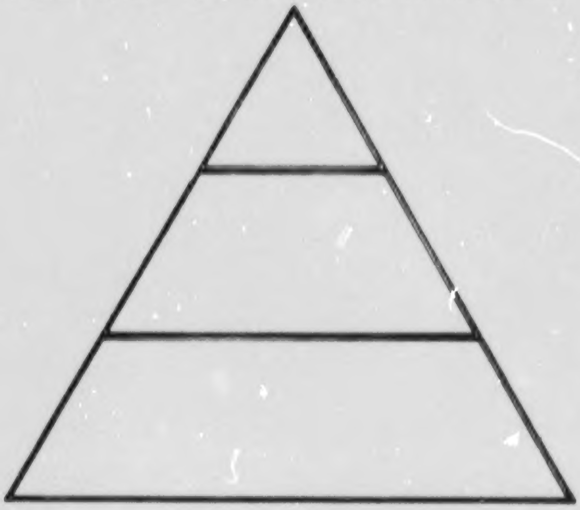


Figure 1
The Managerial Pyramid

polity was the pharaonic state of ancient Egypt. It was hardly an accident that those rulers who brought the pharaonic state to its fullest development had the pyramids built as their tombs. Although the pharaonic model has been judged illegitimate in Western society, modern totalitarian theories, particularly facism and nazism, represent an attempt to give it a certain theoretical legitimacy.

Organic evolution involves the development of political life from its beginnings in families, tribes, and villages to large polities in such a way that institutions, constitutional relationships, and power alignments emerge in response to the interaction between past precedent and changing circumstances with the minimum of deliberate constitutional choice. The end result tends to be a polity with a single center of power organized in one of several ways (Figure 2). Classic Greek political thought emphasized the organic evolution of the polity and rejected any other means of polity-building as deficient or improper. The organic model is closely related to the concept of natural law in the political order. Natural law informs the world and, when disturbed, leads to a certain kind of organic development which, in turn, results in a certain model of the polity.

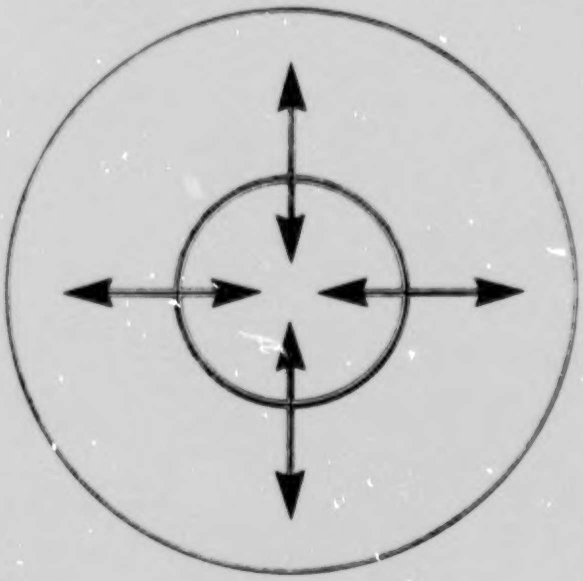


Figure 2
The Jacobin Model

The organic model has proved most attractive to political philosophers precisely because, at its best, it seems to reflect the natural order of things. Thus it has received the most intellectual and academic attention. However, just as conquest tends to produce hierarchically organized regimes ruled in an authoritarian manner, organic evolution tends to produce oligarchic regimes which at their best have an aristocratic flavor and at their worst are simply the rule of the many by the few. In the first, the goal is to control the top of the pyramid; in the second, the goal is to control the center of power.

Covenantal foundings emphasize the deliberate coming together of humans as equals to establish bodies politic in such a way that all reaffirm their fundamental equality and retain their basic liberties. Polities whose origins are covenantal reflect the exercise of constitutional choice and broad-based participation in constitutional design. Polities founded by covenant are essentialy federal in character in the original meaning of the term—whether they are federal in structure or not. That is, each polity is a matrix compounded of equal confederates who come together freely and retain their respective integrities even as they are bound in a common whole (Figure 3). Such polities are republican by definition; power within them must be diffused among many centers or the various cells within the matrix.

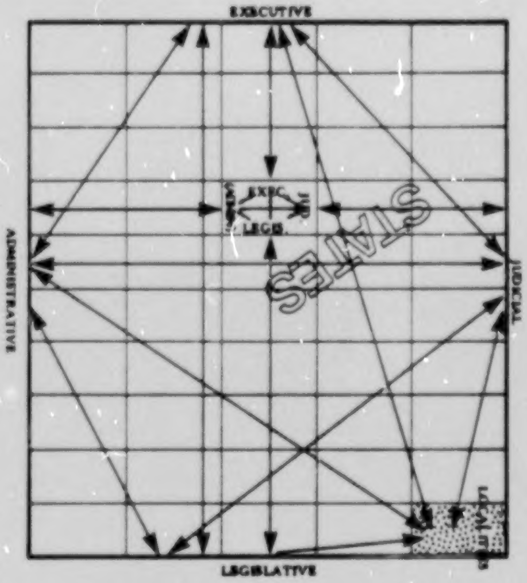


Figure 3
The American Governmental Matrix:
Interacting Power-Centers of General,
State and Local Government

The Origins of American Federalism

As the literature of the constitutional ratification campaign of 1787-1788 (both Federalist and Anti-federalist) indicates, federalism was created and designed by the founding fathers to be more than a structural compromise devised to make possible the unification of the several states under a single national government. It was also able to be more than a geographic division of power for expediency's sake. Federalism, to its American creators, represented a new political alternative for solving the problems of governing civil societies, an alternative that from the first embraced the whole panoply of political theories, institutions, and patterns of behavior that must be brought together in order to form a political system.

The federalism of the founders was designed to provide substantially new means for the development of a viable system of government, a successful system of politics, a reasonable approach to the problems of popular government, and a decent means for securing civil justice and morality. Moreover, its inventors conceived of federalism as a uniquely valuable means for solving the perennial problems of any civil society seeking to transform itself into a good commonwealth, particularly one which is built on the rock of popular government—the problems of balancing human liberty, political authority, and governmental energy so as to create a political system at once strong, lasting, democratic, and just. The founders believed that their invention was capable of solving those problems because it was based on valid fundamental principles and was constructed to employ proper, if new, political techniques necessary to at least approximately effectuate those principles. They were convinced of this—and were soon joined in their conviction by the American people as a whole—because their invention directly resolved important substantive questions which they anticipated would confront the United States. The essence of their solution was the application of the federal principle not only to relations between governments but to the overall political relationships of groups ("factions" in Madison's terminology) and individuals to government.

Their own sources try to justify their stand by telling us why the founders felt as they did. Unfortunately, current myths prevent many from considering those sources on their own terms. For one thing, there are too many who believe that American federalism is the product of circumstances alone, that nature itself (or at least prior experience) dictated that the American republic be built on the rock of diffused governmental powers, so that any discussion of a "federal principle" is an *ex post facto* attempt to discover a unique or original political invention when common political considerations actually sufficed. Pointing to the vast expanse of land under the American flag even in 1787, the great diversity of peoples gathered together under its protection, the general commitment to popular government prevalent in the land, and the pre-existance of the thirteen colonies, many people conclude that a formal distribution of power among "central" and "local" governments was inevitable if there were to be any union at all and that the founders of the republic simply worked out the mechanisms needed to make the *status quo* politically viable.

This view has become widespread in the twentieth century because it is particularly useful to those who accept two companion views of American federalism current today. One is the notion that the framers of the Constitution were hostile to popular government and used federalism to limit "democracy" by distributing powers undemocratically. This school views subsequent American history as the struggle to establish popular government against the will of the founders' Constitution. Accordingly, they believe that the Constitution's system for the distribution of power becomes increasingly obsolete as the nation becomes more "democratic." The other school accepts the premise that the founders were anti-democratic but "excuses" them on the grounds that problems of communication over such a vast and diverse area then required the federal distribution of powers. Their claim is that as communications become more rapid, this distribution of powers becomes increasingly obsolete.

At first glance, history appears to support the current myths. The implantation of settlements on the American shores under different regimes and charters had led to the emergence of at least thirteen firmly rooted colonies-cum-states by 1776. The new nation did inherit the basis for some type of federal plan and, it might even be said, had no choice in the matter. Recent research has heightened the plausibility of this view by indicating the extent to which the American colonies enjoyed a *de facto* federal relationship with the English King and Parliament prior to independence.

The existence of states, however, was no guarantee that they could be united under one government. Moreover, there was no guarantee that unification could take any form other than loose confederation so long as the states remained intact as sovereign civil societies, or any form other than consolidation if they did not. In this respect, the factors of size and diversity were in no way determinative. Distribution, as opposed to concentration of power, is not a function of size and diversity *per se* but a function of republican political inclinations.

Students of comparative government—from the days of Aristotle to our own and including the generation of the founders of the Republic—have been fully aware of the possibilities for centralized government in even the largest and most diverse empires. In Aristotle's day the Persian Empire extended for over three thousand miles "from India to Ethiopia" and included over a hundred different nationality and ethnic groups, each located in its own land, yet throughout its two hundred years of existence, it was governed by a despotism which, while maintaining a benevolent attitude toward the maintenance of local customs and civil laws, carefully concentrated as much political power as possible in the hands of the emperor.

Locke, Montesquieu, and the founding fathers were acquainted with the similarly organized Ottoman Empire. They, like our own generation, also encountered one of the greatest centralized despotisms of all time in the form of the Russian Empire. When Cortez was viceroy in Mexico, the Russian Empire under Ivan the Terrible already covered an area larger than the original United States (888,811 square miles in 1789). The Russians began their march eastward in the sixteenth century and at the time the Puritans were settling New England, they reached the Pacific. By the year of the Glorious Revolution and the establishment of parliamentary supremacy in England, the Russians had consolidated their centralized rule over some seven million square miles and dozens of nations, peoples, and tribes. An eighteenth-century Russian, if asked about the political consequences of a large domain, would have been likely to say that an expanse of territory is useful in protecting absolutism since the difficulties of internal communication that it creates help prevent popular uprisings on a nationwide scale.

A Frenchman of the same century, if asked the best method of creating a nation out of a number of smaller "sovereignties," would undoubtedly have recalled the history of France and advocated the complete political and administrative subordination of the entities to be absorbed under a central government and the elimination of all vestiges of their local autonomy so as to minimize the possibilities of civil war. Even an eighteenth-century Englishman, aware of the centuries-old problem of absorbing Scotland within Great Britain, would have been likely to approach the problem of national unification in a somewhat similar manner, except that he might have added a touch of decentralization as a palliative to libertarian sentiments. Thinking Americans were aware of all these examples in 1787. It is no accident that *The Federalist* had to concentrate heavily on refuting the argument that a stronger national government would inevitably open the door to centralized despotism.

Closer examination of the situation between 1775 and 1801 provides convincing evidence to the effect that, regardless of the factors present to encourage some form of division of power between national government and the state governments, the development of a federal system stronger than that embodied in the Articles of Confederation was by no means foreordained. What such an examination does reveal is the extent to which the founders of the United States were committed to the idea of popular government and were really involved in a search for the best form of organization—the best constitution—for the republic, one that would secure the liberties of the people while avoiding the weaknessess of past experiments in popular government.

Even here the founders had little precedent to guide them. Not only were there no extant examples of the successful government of a large territory except through a strong centralized government, but there were few small territories governed in a "republican" manner, and none offered the example of federalism as Americans later came to know it. The two nations then existing that had come closest to resolving the problems of national unity without governmental centralization were the United Provinces of The Netherlands and the Swiss Confederation. Not only were both very small republics indeed (each covered about 15,000 square miles at that time), but the failure of the former to solve its constitutional problems and its consequent lapse into government by an incompetent executive and an anti-republican oligarchy was well known, while the latter was hardly more than a protective association of independent states with little national consciousness. Neither could be an attractive example to the American nation builders who were committed to both republicanism and the common nationality of all Americans.

In one sense, then, the founding fathers had only two contemporary models to choose from, both of which showed great weakness and promised little for the perpetuation of popular government. They could have attempted to bring the several states together into a single unified but decentralized state on the order of the government of Great Britain, or they could have been satisfied with a loose confederation of sovereign states, united only for purposes of defense and foreign relations which, while barely able to govern adequately even in the areas of its responsibility, would offer minimal opportunities for national despotism.

There were those who advocated the former course, particularly among the younger officers of the Continental Army. At various times, they urged Washington to establish a constitutional dictatorship (which possibly could have led to a political system akin to the kind of totalitarian democracy established by Napoleon in France in the 1790s) or to assume the crown as a constitutional monarch (which presumably would have led to a political system akin to the kind of aristocratic oligarchy that existed in eighteenth-century England). While Washington effectively subdued most of them on several occasions during the war itself (the most famous of which was his farewell at Fraunces Tavern), one of their number, former lieutenant colonel Alexander Hamilton, continued to advocate the latter position as much as he dared right through the Constitutional Convention.

The second course was the one followed during the war as a natural outgrowth of the Continental Congresses assembled from 1765 through 1775. If the founders had been content with a "foreordained" system, one "dictated" by the actual status of the United States in 1776, they would have accepted this alternative and retained the Articles of Confederation which were adopted to ratify just that kind of confederacy. That system has been most frequently compared to the various Hellenic leagues which united several city-states only insofar as they shared a common purpose—invariably that of defense. Such leagues embraced small despotisms as well as small democracies. They had no role to play in determining the internal regimes of member states and were in no sense protectors of human liberties or popular government.

Among those who advocated this course of action were some of the most notable patriots of the early Revolutionary struggle. Above all, they feared despotism in large governments and distrusted any notion that a national government with energy could be kept republican. Whatever their views as to the potential tyranny of the majority, they were more willing to trust smaller governments with supervision of the people's liberties on the grounds that they were more accessible to the people. Patrick Henry was the most outspoken of this group. He held his ground to the bitter end, uncompromising in his belief.

Popular Government and the Federal Solution

As we all know, the founders chose neither alternative but, rather, invented a third alternative of their own. Their alternative was animated by a desire to perfect the union of what they believed to be an already existing nation, to give it the power to act as a government while keeping it republican and democratic. In developing their solution, they transcended the limits of earlier political thought in order to devise a way to protect the people's liberties from every threat.

The founder's alternative reflected a great step forward in thinking about popular government because they refused to accept the simplistic notion that the possibilities for despotism increased in direct proportion to the size of the country to be governed. They were fully convinced by history and personal experience that small governments, in their case the states, could be as despotic as large ones.

Moreover, the founders were convinced by history and experience that democratic governments could be as tyrannical as autocratic ones if they were based on simple and untrammeled majoritarianism. Pure democracies, in particular, were subject to the sway of passion and hence to the promotion of injustice, and even republics were susceptible if factions were allowed to reign unchecked. As friends of human liberty and popular government, they felt it necessary to create a political system that would protect the people from despotic governments whether they be large or small, democratic or not.

Their solution, federalism, was designed to deal with all these contingencies by balancing them off against one another so as to create a number of permanent points of tension that would limit the spread of either popular passion or governmental excess, break up or weaken the power of factions, and require broad-based majorities to take significant political actions. Locating all sovereignty in the people as a whole while dividing the exercise of sovereign powers among several governments—one general, the others regional—was, to the founders, a means of checking the despotic tendencies, majoritarian or otherwise, in both the larger and smaller governments, while preserving the principle of popular government. The interdependence of the national and state governments was to ensure their ability to check one another while still enabling them to cooperate and govern energetically. In the words of Publius, the founders advocated a republican remedy for republican diseases.[11]

In organizational terms, the perennial tug-of-war between centralization and decentralization was to be avoided by the introduction of the principle of *non-centralization*. The distinction is a crucial one. Decentralization, even as it implies local control, assumes the existence of a central authority which has the power to concentrate, devolve, or reconcentrate power, more or less at will. Non-centralization assumes that there is no central authority as such but that power is granted to several authorities—national and regional—directly by the people. Even though the national authority may enjoy an ultimate preeminence that is very real indeed, the national and regional authorities cannot legitimately take basic power away from each other.

True federal systems must be non-centralized systems. Even when, in practical situations, there seems to be only the thin line of the spirit between non-centralization and decentralization, it is the thin line which determines the extent and character of the diffusion of power in a particular regime.

The American people and their leaders were to extend this aspect of federalism, which is partially described in common parlance as the "checks and balances" system, into most other areas of their political life. Both the state governments and the national government have powers which cannot be taken from one another, even when both arenas share in their exercise. The principle was further applied to relations of the various branches of government—executive, legislative, and judicial—even before the invention of federalism. It was subsequently applied to the structure and organization of the party system which consists of two national coalitions of substantially independent state and local party organizations further checked by the independence of action reserved to the "congressional parties" within each of the two coalitions. (See John Bibby's essay in this collection.) It was applied to the other processes of politics and even to the nation's economic system in ways too numerous to mention here.

The federal principle sets the tone for American civil society, making it a society of balanced interests with egalitarian overtones, just as the monarchist principle makes British civil society class and elite oriented despite democratic pressures, and the collectivist principle sets the tone for Russian civil society, making it anti-individualistic even when equalitarian. In political terms, this is because the federal principle establishes the basic power relationships and sets the basic terms for the processes of distributing power within American civil society. The founders understood the role of such central principles in setting the framework for the development of a political system. They knew that, while the roots of the central principle of every civil society are embedded in its culture, constitution-makers do have a significant opportunity to sharpen the principle's application and the direction of its future growth.

In sum, federalism, as the founders conceived it, was an effort to protect the rights of men by consciously creating institutions and procedures that would give government adequate powers while, at the same time, forcing the governors to achieve a high level of consent from all segments of the public they served before acting in other than routine ways. Requiring extraordinary majorities for great actions, the Constitution was based on the idea that there is a qualitative difference between a simple majority formed for a specific issue and the larger consensus that allows governments to continue to function from generation to generation.

The Covenant Idea and the Federal Principle

The creation of the American federal system was, at one time and the same time, a new political invention and a reasonable extension of an old political principle, a considerable change in the American *status quo*, and a step fully consonant with the particular political genius of the American people. Partly because of their experiences with the model before them and partly because of the theoretical principles they had derived from the philosophic traditions surrounding them, the American people rejected the notions of the general will and the organic state common among their European contemporaries. Instead, they built their constitutions and institutions on the *covenant* principle, a very different conception of the political order and the one most conducive to the theory and practice of federalism.

This notion of covenant, of a lasting yet limited agreement between free men or between free families of men, entered into freely by the parties concerned to achieve common ends or protect common rights, has its roots in the Hebrew Bible. There the covenant principle stands at the very center of the relationship between man and God and also forms the basis for the establishment of the holy commonwealth. The covenant idea passed into early Christianity only after losing its political implications. Its political sense was restored during the Protestant Reformation, particularly by the Protestant groups influenced by Calvin and the Hebrew Bible, the same groups that dominated the political revolutionary movements in Britain and America in the seventeenth and eighteenth centuries. Much of the American reliance upon the covenant principle stems from the attempts of religiously-inspired settlers on these shores to reproduce that kind of covenant in the New World and to build their commonwealths upon it. The Yankees of New England, the Scots-Irish of the mountains and piedmont from Pennsylvania to Georgia, the Dutch of New York, the Presbyterians, and to a lesser extent, the Quakers and German Sectarians of Pennsylvania and the Middle States were all nurtured in churches constructed on the covenant principle and subscribing to the federal theology as the means for properly delineating the relationship between God, and humanity (and, by extension, between person and person) as revealed by the Bible itself.

By the middle of the eighteenth century, however, the covenant idea had been plucked from its religious roots and secularized by men like Hobbes, Locke, and Rousseau. They transformed it into the concept of the *social compact*, the freely assumed bond between person and person that lifted human beings out of an unbearable states of nature and into civilization. In the Lockean view widely admired by Americans, it was this social compact that made popular government possible. The availability of the covenant idea in two forms meant that those Americans who did not acknowledge the political character of the covenant between God and humanity inevitably recognized the political character of the social compact between humans and built their constitution upon that.

The evidence is overwhelming that the covenant principle translated into the larger political realm as part of the development of modern popular government produced the idea of federalism. The history and meaning of the term itself reveals this. The word federal is derived from the Latin *foedus* which means covenant. It was the first used in 1645, in the midst of the English Civil War to describe covenantal relationships of both a political and theological nature. Apparently, as its theological usage would indicate, the term implied a closer or more permanent relationship than its slightly older companion, *confederal*, a Middle English derivative of the same Latin root. At first the two words were so closely related that they were used synonymously until the American Civil War added an additional dimension to the theory of federalism by sharpening the distinction between them. *Federal* was not used in its present sense until 1777 during the American Revolution. Its modern usage, then, is an American invention. The creation of the term *federalism* to indicate the existence of a "federal principle or system of political organization" (quoting the Oxford Universal Dictionary), did not come until 1793 after the principle was already embodied in a great work of political theory (*The Federalist* papers) and the constitution of a potentially great nation.

Covenant (or federal) theory was widely appreciated and deeply rooted in the American tradition in 1787 because it was not the property of philosophers, theologians, or intellectuals alone. In its various adaptations, it was used for a variety of very public enterprises from the establishment of colonial self-government to the creation of the great trading corporations of the seventeenth century. Americans made covenants or compacts to establish the original thirteen states; and, as suggested in the topics appended to this essay, the Declaration of Independence can be fruitfully studied as a covenant in its own right.

Covenant-making remained a part of the settlement process throughout the days of the land frontier. Men and women gathered together in every one of the thirty-seven states admitted to the Union after the original thirteen to frame constitutions for their government in the manner of the first compacts establishing local self-government in the New World. Cities and towns were created by compact whenever bodies of men and their families joined together to establish communities devoted to common ends.

With the rise of organizations, the covenant principle was given new purpose. Scientific and reform societies, labor unions, and professional associations, as well as business corporations, covenanted with one another to form larger organizations while preserving their own integrities. They initiated a new kind of federating which continues to this day.

As a consequence of these manifold uses of the covenant idea, the American "instinct" for federalism was extended into most areas of human relationship shaping American notions of individualism, human rights and obligations, Divine expectations, business organization, civic association and church structure as well as their notions of politics. While there were differences in interpretation of the covenant principle—among theologians, political leaders directly motivated by religious principles, and others operating within a secular political oulook; among New Englanders, residents of the Middle States, and Southerners; and from generation to generation—there was also a broad area of general agreement which unified all who subscribed to the principle and which set them and their doctrine apart within the larger realm of political theory.

In January of 1965, this outlook found an echo in President Lyndon B. Johnson's Inaugural Address:

> They came here—the exile and the stranger, brave but frightened—to find a place where a man could be his own man. They made a covenant with this land. Conceived in justice, written in liberty, bound in union, it was meant one day to inspire the hopes of all mankind, and it binds us still. If we keep its terms, we shall flourish.
>
> The American covenant called on us to help show the way for the liberation of man. And that is today our goal. Thus, if as a nation there is much outside our control, as a people no stranger is outside our hope.

All agreed on the importance of popular or republican government, the necessity to diffuse power, and the importance of individual rights and dignity as the foundation of any genuinely good political system. At the same time, all agreed that the existence of inalienable rights was not an excuse for anarchy just as the existence of ineradicable human passions was not an excuse for tyranny. For them, the covenant provided a means for free men to form political communities without sacrificing their essential freedom and without making energetic government impossible.

The implications of the federal principle are brought home forcefully when it is contrasted with the other conceptions of popular government developed in the modern era. Other revolutionaries in the "Age of Revolutions" that has existed since the late eighteenth century—most prominent among them the Jacobins—also sought solutions to some of the same problems of despotism that perturbed the Americans. But, in their efforts to hurry the achievement of the millennium, they rejected what they believed to be the highly pessimistic assumption of the American constitution-makers, that unlimited political power could even corrupt "the people," and considered only the problem of autocratic despotism. They looked upon federalism and its principles of checks and balances as subversive of the "general will," their way of expressing a commitment to the organic unity of society, which, like their pre-modern predecessors, they saw as superior to the mere interests of individuals. They argued that, since their "new society" was to be based on "the general will" as a more democratic principle, any element subversive of its organic unity would be, *ipso facto*, anti-democratic.

By retaining notions of the organic society, the Jacobins and their revolutionary heirs were forced to rely upon transient majorities to establish consensus or to concentrate power in the hands of an elite that claimed to do the same thing. The first course invariably led to anarchy and the second to the kind of totalitarian democracy which has become the essence of modern dictatorship. While the "general will" was undoubtedly a more democratic concept than the "will of the monarch," in the last analysis it has proved to be no less despotic and usually even more subversive of liberty.

The history of the extension of democratic government since the eighteenth century has been a history of the rivalry between these two conceptions of democracy. Because of the challenge of Jacobinism, the meaning of the American idea of federal democracy takes on increased importance.

Topics for Further Study

Topic 1: The Declaration of Independence as a Covenant

The Declaration is the covenant that firmly established the American people as an organized people, bound by a shared moral vision as well as common interests.

Since earliest times, covenants have followed a formula that has been passed down from generation to generation and epoch to epoch essentially unchanged. This form has been described by students of ancient Near Eastern history as containing the following elements:

1. a preamble indicating the parties to the covenant;
2. a prologue, historical or ideaological, establishing the setting or grounding of the covenant;
3. the operative section of the covenant, as stipulations, or what is agreed;
4. provisions for public reading (proclamation) and deposit of the text for safekeeping;
5. the divine witness to the covenant; and,
6. the advantages of performances (blessings) and sanctions for non-performance (curses).

Examining the Declaration, we find these classic covenantal patterns repeated.

1. The preamble, or statement of who is doing the covenanting:

In Congress, July 4, 1776, by the Representatives of the United States of America, in General Congress assembled.

2. A prologue to establish the setting or grounding of the covenant:

Preamble

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them,

3. Stipulations and Operative Elements

—We hold these truths to be self-evident, that all men are created equal, that they were endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it and to institute new Government, laying its foundation on such principles and organizing its power in such form, as to them shall seem most likely to effect their Safety and Happiness.

4 and 5. Publication and Divine Witness:

> WE, THEREFORE, the REPRESENTATIVES of the UNITED STATES of AMERICA, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Names, and by Authority of the good people of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved;

The final paragraph begins by calling upon God to witness this act and its meaning and concludes by indicating the Americans' "firm reliance on the protection of Divine Providence." While it does not specify how, Congress explicitly publishes and declares its actions. In fact, Congress provided elsewhere that the Declaration be read publicly in the square behind the Pennsylvania state house (today known respectively as Independence Square and Independence Hall) and throughout the newly independent United States. It concludes with:

> and that as Free and Independent States, they have Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do.—
> And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

6. Blessings and curses:

The blessings of freedom and independence, presented in some detail represent the advantages of performance while the sanctions are the risk of life and fortune and sacred honor.

The final paragraph of the Declaration summarizes a federal act leading to a federal result. What we have here is a tripartite covenant of people, free and independent states, and the United States of America witnessed by God. The American people, their Union, and the states were born at the same moment: and through the same act, they were born free.

Topic 2: Other Applications of Covenants and Compacts

The foregoing analysis of the Declaration of Independence draws on covenantal elements that can be used to identify and read other documents of American history. Elsewhere in this collection Robert Salisbury examines the founding of local communities, while Donald Lutz and Stephen Schechter mention the importance of state constitutions in the founding and re-founding of the states as polities. Teachers might research the founding of their own or neighboring local communities for historical documents that can be fruitfully studied as covenants and compacts. Existing teaching units on state constitutions can also be refined by re-reading one's state constitution for its covenantal-compactual elements. For background and case studies on these and other applications of the covenant idea, see Daniel J. Elazar and John Kincaid, eds., *Covenant, Polity, and Constitutionalism*, a special issue of *Publius: The Journal of Federalism* 10 (Fall 1980).

2.
Virtue and the Federal Republic

Donald S. Lutz
University of Houston

Why do we have a federal system? What functions does federalism serve? What are the consequences of federalism for the broad American political system? The central thesis of this essay is that the notion of virtue is important for answering each of these questions. Turning first to the theory underlying the United States Constitution, it is shown that the Madisonian model which lies at the heart of this theory cannot be made coherent or consistent without a concept of virtue. The concept of virtue underlying the Madisonian model is then shown to have been present in American political thinking throughout its first two centuries. It informed everything from the first state constitutions back to the Mayflower Compact.

American political theory was communitarian in thrust and depended upon the belief that the people are virtuous in the sense of pursuing the long-term aggregate interests of the community. Federalism was a critical ingredient in maintaining this conception of virtue and the design of a national Constitution informed by it.

Understanding the centrality of a concept of virtue to American political theory, and the importance of federalism for creating and preserving a federal Constitution based upon virtue, not only leads to a more complete understanding of the Constitution, but also helps explain the basis of much of our current politics. Many of the central issues facing Americans today require the continued application of virtue to public affairs, and federalism as part of that continued application still structures the way in which we attempt to solve our common problems.

The concept of "virtue" played a central role in the thinking of the founding era, and in one form or another informed the theories advanced by all major factions. However, the twentieth century mind is so generally unprepared to deal with the concept of virtue in any way other than a narrow religious context, that the importance of virtue in undergirding American politics must be established before the matter can be discussed in terms of today's political problems.

This essay will begin by showing how virtue *underlies* the Madisonian model which informs our federal Constitution, after which we will show how it was of central importance to American political theory from the earliest colonial times until the writing of the federal Constitution. It will then be necessary to provide some reasonably concise definition of what the founders meant by virtue, a task complicated by there being two broad schools of thought—one derived from biblical roots, and the other from classical roots via the European Enlightenment. Finally, we will examine the manner in which virtue informs two of the most fundamental—some might say the defining—characteristics of our political system: republicanism and federalism.

The Madisonian Model

In *The Federalist*, especially Nos. 10 and 47-51, James Madison attempts to lay out a coherent theory capable of explaining and justifying the design of the proposed Constitution. As well known as his argument is, a brief reconstruction of his logic will illustrate the role of virtue in it.

Ultimately, Madison is seeking a stable and effective government that also preserves the liberty that had come to be expected. The primary threat to both stability and liberty arises from faction—not just any faction, but a faction of the one, the few, or the many that is tyrannical. Tyranny he defines in the standard fashion of the time as the *arbitrary* use of power. The use of power is arbitrary if it is contrary to the permanent, aggregate interests of the community. Thus far he has merely summarized the conventional wisdom inherited from Aristotle, Montesquieu, Locke, and the other great thinkers read at the time.

Madison begins to demonstrate the originality of the American constitutional approach when he divides the problem of tyranny into two broad categories—majority tyranny and governmental tyranny. Majority tyranny he deals with in *Federalist* No. 10, and governmental tyranny is dealt with in papers 47-51. With respect to majority tyranny, he says there are two broad solutions: either eliminate the causes of faction, or control the effects of faction. In order to eliminate the causes of faction one would either have to eliminate liberty, which runs contrary to one fundamental purpose of the entire exercise, or make everyone of like mind with the same interests, values, inclinations, etc.—something which is impossible because of human nature.

This, then, leaves the broad strategy of eliminating the bad effects of faction. This strategy has two parts. The first is to use representation rather than direct democracy. In direct democracy the majority will almost by definition be activated by a common passion or interest, and therefore be willing "to sacrifice the weaker party or an obnoxious individual." Thus democracies, he says, are always "spectacles of turbulence and contention," and very unstable as well as threatening to the liberty of minorities and individuals. On the other hand, in a republic the public views are "refined" by being passed through a smaller body of men elected for that purpose. These representatives "may best discern the true interest of their country" rather than sacrifice it to petty or narrow interests. These representatives are characterized by Madison as more likely than not to be wise, patriotic, and lovers of justice.

Note that Madison says at this point that the representatives "may" act in such a way and "may" possess such virtues. In order for this "may" to turn into a "will," the second characteristic of republican government must be present—an extended, diverse population. In other words, if representation is to work in the appropriate fashion to avoid majority tyranny, there should be a great number of citizens extended over a great sphere of country. In a small country with relatively few citizens the number of distinct parties and factions will be fewer than in a large one. As a result, it is much more likely that the majority on a given issue will come from the same party or interest. As the country grows larger and more populous, this likelihood lessens, and if the population is large enough, diverse enough, and spread over a large enough area, there will be virtually no possibility of a majority coming from the same party or interest. Put another way, in the extended republic there will be no natural majority, and any majority will be a temporary coalition of minorities that will be incapable of tyrannizing others because passion has been replaced by the calculated agreement on limited ends resulting from the bargaining needed to produce the majority on a given issue.

This much being clear from the text of *Federalist* No. 10, two important implications of the argument must be noted. First, this is not an argument against majority rule. If Madison and the founders did not expect the majority to rule, there would be no need to worry about majority tyranny. It is only because the majority ultimately will rule that its passions must be refined through a small group of men with superior virtue. These men will deliberate in a context where there is no natural majority, only temporary coalitions of minorities. Second, if the intent is not to prevent majority rule but to refine it and slow it down, then the fundamental strategy for controlling the evil effects of faction is *delay*. Slow down the majority by making it difficult to form, and require it to express itself in an arena dominated by more virtuous men. The two fundamental aspects of republican government enumerated by Madison, representation and an extended population, make delay—or a careful, deliberative process—central to republican government.

Virtue arises in the discussion of representatives, but virtue is present in a more fundamental sense in the underlying assumptions of the Madisonian model. These assumptions are logically nested such that all must be accepted if delay, or a deliberative process, is to be a realistic solution to majority tyranny. First of all, there is little point in using delay as the solution unless, thereby, the people and their representatives are able to distinguish "good" factions from "bad" ones. That is, one must assume that it is possible for the people and their representatives to distinguish a proposed policy that serves the permanent and aggregate interests of the community from one which does not. There is little point in assuming that such a distinction can be made by the people unless one makes the second assumption that once the distinction is made, the "good" will be chosen by the people over the "bad." Why have a complex system of delay if the deliberative process results in the selection of a proposal contrary to the long-term interests of the community which had been correctly chosen by the people, or in the selection of a proposal that leads toward the permanent and aggregate interests of the community that was rejected by the people?

The second assumption, that the "good" will be chosen over the "bad," rests upon a third and final assumption. This assumption is the most fundamental, and is the one upon which the entire structure of American politics rests. It is simply that Americans *are a virtuous people*.

We are a virtuous people, in two senses of the word. One is in the classical Greek sense of *areté* transmitted via the Enlightenment tradition, and concerns those abilities necessary to perform well a job in the practical or prudential realm. For example, if a person is able to drive a nail cleanly without hitting his fingers, saw a straight line, make square joints, and work wood, we can say that this person possesses the virtues needed to be a carpenter. In this sense, to speak of Americans as a virtuous people implies that we have the virtues necessary to be self-governing. *The most essential virtue in this regard is the desire to seek the permanent and aggregate interests of the community rather than a narrow or short-term interest.* Unless we assume that Americans as a people possess such virtue, how can we assume that we will choose policies that favor long-term community interests when they come in conflict with short-term self-interest?

The second and moral sense of virtue is connected with prudence, or at least it was during the founding era, through the belief that religion is the primary means for inculcating the desire to pursue the common or community good. During the founding era of 1776 to 1789, there was no essential conflict seen, as there is today, between the moral instruction of radical Protestant Christianity and the prudential recommendations derived from Enlightenment political theory. Montesquieu and the Bible combined to recommend and enforce similar behavior, and the result was a virtuous people upon which to base a self-governing republic. Even Jefferson, it will be recalled, used the language of "the laws of Nature and of Nature's God" in the Declaration of Independence in the hope of isolating the "monkish ignorance and superstition" of revealed truth, not separating moral instruction from political behavior.

If one stops to think, these assumptions are logical and straightforward. Why would anyone attempt to institute self-government unless they believed that the people were capable of self-government? Ever since Aristotle the great political minds have been telling statesmen to match the government to the people. A free, self-governing republic requires a virtuous people defined most fundamentally as desiring to seek the common good. It is upon such a shared attitude that communities are raised, and for Americans this most fundamental virtue had both a religious and a rational foundation. As we shall see in the following section, the primacy of this assumption was not invented by Madison, but rather was adopted and adapted by him from an American political tradition that stretched back for almost a century and a half before him on American shores.

In *Federalist* Nos. 47-51, Madison discussed the second form of tyranny, the tyranny of the government over the people. Here Madison outlines three broad solutions to this form of tyranny: separation of powers, checks and balances, and federalism. To put it briefly, all of these solutions together produce a solution that is analogous to that for majority tyranny. The entity which is feared, this time government instead of the majority, is broken up and dispersed so that it is extremely difficult for one faction to rule in its own interest. There are three branches of the federal government which must be controlled, and any faction so desiring must wait two years for the lower house of Congress, at least four years in order to gain control of the Senate and the executive, and an indeterminate number of years for the judiciary.

Moreover, each requires appealing to a different constituency—relatively small clusters of citizens scattered across the country in the case of the House, the state legislatures (now statewide elections) in the case of the Senate, the electoral college in the case of the presidency, and the presidency and Senate in the case of the Supreme Court. Along the way, after gaining control of one branch, the faction can be resisted from the other branches through the system of checks. Any faction able to gain control of the national government must in effect be an extraordinary majority with broad appeal, one that has withstood the test of time induced by delay, and faced the scrutiny of a careful deliberative process. Even then there still remain the states with their broad scope of power outside the control of the national government. And still farther beyond the reach of factions is the Constitution itself, the amendment of which requires extraordinary majorities in the Congress and the states. The basic solution once again is to fragment and induce delay, and once again the three assumptions of virtuous behavior outlined earlier must be held if this solution is to make any sense.

The solutions to the two forms of tyranny are linked in another fashion in addition to using an analagous strategy and resting upon the same three assumptions. Madison summarizes the solution to majority tyranny with the term "extended republic." In order for the solution of the extended republic to work, the country must be of great size. However, such a size is too great to be governed by a single government without that government becoming very powerful, itself a source of tyranny, and thus a primary threat to liberty. The size of the country will also be too great to allow for effective government from a single center. The "compound republic," which we today know as federalism, permits the extension of the republic over an area great enough to prevent majority tyranny, and the division of powers that federalism represents also helps to prevent governmental tyranny. The result is an elegant, coherent package that not only looks good on paper, but has also worked extremely well in practice. Without federalism republican government would not have been possible in America, and without virtue the federal republic could not have worked.

The Communitarian Roots of American Political Thought

The most fundamental virtue for those writing the United States Constitution was the willingness to pursue the common good, the permanent, aggregate interests of the community. The founders did not pull this value out of thin air, but rather built upon a century-and-a-half old tradition that had evolved on American shores. This tradition was focused upon local communities of self-governing people using deliberative processes, a point amply developed by Robert Salisbury elsewhere in this collection. Without a strong sense of community, there would be no basis for wishing to pursue the permanent, aggregate interests of that community. The local community very early on became the focus for political life in America, and continued to serve as the focus into the twentieth century. As we shall see later, federalism as a political institution was not only crucial for providing a solution to the problems of majority and governmental tyranny, but it also kept intact the local communities which provided the basic experience upon which to erect virtue, and which were the social settings within which all other ancillary political virtues needed for republican government were nurtured. It is no accident that the United States Constitution leaves things like education, the police power, and public morals to the states, which were built up from and dominated their local communities.

The communitarian perspective, which evolved on American shores between 1620 and 1787, thus contains most of the essential commitments later to be expressed in the federal Constitution. This is not the place to engage in an extended analysis of the hundred or so foundation documents written during the colonial period which outline this perspective. Instead, we shall here provide a brief abstract of this earlier tradition in order to illustrate the long-standing importance of virtue in the American political tradition.

The core assumptions of this communitarian perspective can be summarized as follows:

1. Humans develop and maintain the highest levels of moral and material existence possible on Earth while living in communities.
2. A community is defined by a commonly held set of values, interests, and rights homogeneously distributed through a limited population.
3. The members of the community have a common interest in protecting and preserving these values, interests, and rights.
4. When there is a conflict between the values, interests, or rights of the community and those of individuals or a portion of the community, those of the community are superior.
5. The community and its government originate in the consent of the people.
6. Governmental processes should continually be based upon, and beholding to, the deliberate sense of the community.
7. The deliberate sense of the community is based upon the continuous and direct consent of the majority. The majority is the voice of the people.
8. The majority speaks for the common good, and not for some value, interest, or right which binds them alone. To seek anything less than the common good is the essence of political corruption.
9. The deliberate sense of the community is derived through the proceedings of an elected legislature, a legislature so dependent upon the continuous, direct consent of the majority as to embody the values, interests, and rights of the community.

Americans, from the very beginning, made it a habit of writing foundation documents for their communities. Some, like the Mayflower Compact, are reasonably well known, but most, like the Cambridge Agreement of 1632, the Dorchester Agreement of 1633, and the Salem Agreement of 1634, to name just a few out of dozens, are generally not known. In these documents we find initial definition of communities, later to be expanded upon by other little known documents which define the common values, interests, and rights of the community. In the latter category many would recognize at least the names of the Fundamental Orders of Connecticut (1639) and the Massachusetts Body of Liberties (1641), but few realize that these two are only representative of a persistent effort at community definition to be found in documents like the Pilgrim Code of Law (1636), New Haven Fundamentals (1639), New Haven Fundamentals of 1643, Puritan "Laws and Liberties" of 1658, Charter of Fundamentals of West Jersey (1677), and New York "Charter of Liberties and Privileges" (1683)—once again to name just a few. These documents of foundation and self-definition are later combined and formalized by the states in their written constitutions.

An examination of these documents shows that there is a communitarian perspective present in colonial politics from the very first, and this perspective is elaborated and unfolded until it reaches fruition in the early state constitutions. Put another way, the theoretical basis for what we find in the state constitutions can be found in relatively undeveloped form a century and a half earlier. There are hundreds of examples that could be used, but for now let us examine one typical passage in the Pilgrim "Code of Law" of 1636.

> We, the associates of New-Plymouth coming hither as freeborn subjects of the State of England endowed with all and singular the privileges belonging to such being assembled; doe ordaine Constitute and enact that noe act imposition law or ordinance be made or imposed upon us at present, or to come but such as shall be imposed by Consent of the body of associates or their representatives legally assembled; which is according to the free liberties of the State of England.

Note that consent is not based upon each individual, but upon "the body of associates." In practice this meant the majority, although the word "majority" is not frequently found as they did not have our formulaic inclinations. In theory and in practice the colonists assumed that the "major part" should and would consist of far more than simply 50 percent plus one. Note also the appropriation of liberties due to Englishmen, and then the focusing of these rights upon a specific geographical community called the New-Plymouth and the "associates" who live there. At first the colonists appropriated the most liberal definition of English rights, and then, not content with these, began expanding them beyond what was found in England. Even though symbolic members of the great community of Englishmen, the authors of this document immediately redefine themselves as a new community, defining a new consent-giving entity—the people of New Plymouth—and, for purposes of government, distinct from the community of Englishmen from whom they appropriate their first definition of rights. The assumptions which would underlie the theory used to justify the break with England 140 years later, can be found intact in the colonial documents written in the 1630s. And the theory of consent articulated by John Locke can be found in many of its particulars in American politics before the publication of the *Second Treatise*.

Regardless of how we label specific early American documents, it is clear from their content and the context in which they were written that there was a strong communitarian basis. The "glue" used to bring unity to a collection of people, to turn them into *a people*, was consent. The community had its origin in consent, but equally important, the community is *maintained* through continuing consent. The people do not by their consent create a community and then retire to the shadows. Rather, their consent continues to be required for community action. The voice of the community, the majority, is thus active, continuous, and direct. This means, of course, that if the deliberate sense of the community is derived from the proceedings of the legislature, the relationship between the people and their representatives should be a close one. We do find that the legislature was kept close to local majorities in a variety of ways. Frequent elections, instructions, and referenda were a few of the methods used.

The various techniques developed by Americans for popular control of their government, such as elections, were celebrated by liberal theorists during the nineteenth and twentieth centuries. A striking aspect of popular control developed by Americans prior to 1789, one not found in the theory of liberalism to evolve later, was the emphasis placed upon virtue. Care was taken both to preserve the virtue of the citizens and to raise to public office those men of demonstrated superiority in virtue. Unlike liberal theorists, such as John Locke, Jeremy Bentham, J.S. Mill, and more recently John Rawls, Robert Nozick and Ronald Dworkin, for whom the content of justice is independent of any particular theory of human virtue or excellence, the American communitarian perspective was built around a notion of citizenship defined by known, articulated, and accepted virtues. American documents of foundation and self-definition invariably listed those values and virtues most prized by the given community. Frugality, moderation, hard work, and honesty were frequently mentioned. People with independent wills who worked for the common good were especially esteemed. Property requiremetns for voting and holding office make complete sense in this context because owning property in a community demonstrated a stake in it, and ownership of property also indicated that a person is sufficiently independent economically to resist bribes or covet office as a source of economic relief.

The early state constitutions, built directly upon the colonial documents of foundation, reflect the continuing commitment to the common good, deliberative processes, consent, and virtue. For example, the New Jersey Constitution of 1776 ties all constitutional power to a compact, derived from the people, and held of them, for the common interest of the whole society" (Preamble). Article 1 of the 1784 New Hampshire Constitution begins, "All men are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the common good." Article 38 of the same document says, "A frequent recurrence to the fundamental principles of the Constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government; the people ought, therefore, to have a particular regard to all of those principles in the choice of their officers and representatives. . . ."

The Preamble to the 1780 Massachusetts Constitution states, "The body politic is formed by a voluntary association of individuals; it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." Article 18 of the Massachusetts document essentially repeats what is found in Article 38 of the New Hampshire document on virtue, and the importance of a virtuous people is noted in four other sections as well. Article 1 of the 1776 Maryland Constitution says, "That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole." The 1776 Pennsylvania Constitution has, in its Article 14, a statement concerning public and representative virtue similar to the one found in the New Hampshire and Massachusetts constitutions. These are just a few of the many similar statements found throughout the state constitutions. The same themes can be found prominently in the pamphlets and newspapers of the period. In a book edited by this author which reproduces only seventy-six pamphlets and newspaper articles published between 1760 and 1800, the common good was referred to over two hundred times and virtue over three hundred times in 1,500 pages of text. (See "Suggested Readings.")

In sum, federalism preserved the integrity of the states and the local communities comprising them which, in turn, created and preserved the sense of public virtue required to maintain republican government for both the states and the nation. These seedbeds of public virtue had been nurturing the communitarian basis for virtue for a century and a half before James Madison and his associates adapted the idea of civic virtue as the fundamental basis upon which to erect our federal republic.

Federalism and Virtue

As suggested in the foregoing pages, the concept of virtue was central to American political theory in the seventeenth and eighteenth centuries. Running in a straight line through the colonial foundation documents to the early state constitutions, the concept of virtue was retained as the fundamental working assumption underlying the United States Constitution. Since 1787, the function of virtue in the American political system has been closely associated with federalism. There are a number of ways in which federalism and virtue are tied together in contemporary American political theory.

First of all, without federalism there could not have been an extended republic that did not rely upon an extremely powerful and therefore dangerous central government. Without an extended republic the Federalists could not have built the national government upon the virtue of the people without risking majority tyranny. Federalism permitted self-government by a virtuous people on a continental scale. In the case of majority tyranny, federalism allowed the creation of a republic so large and diverse that there were no natural majorities, only deliberative ones. Only deliberative ones could result from the inevitable delay caused by the need to create majorities out of a number of minorities scattered over a great expanse. If the people were not virtuous, there would be no point to, and probably little popular tolerance for, inducing such delay. In the case of governmental tyranny, federalism is again part of an elaborate delay mechanism, along with the system of checks and balances. Once again, unless a virtuous people is assumed, there is no point to inducing delay.

Second, the federal structure of the United States Constitution makes the states responsible for civic and moral virtue. Providing for the public health, safety, education, and morals remain primarily matters of state and local responsibility. There are a number of benefits that result from making state and local government responsible for maintaining public virtue. If a people is to maintain the virtues necessary for self-government, then its members must practice self-government. Put another way, political participation is the primary means for producing civic virtue, and by placing so much power in the states and localities, the United States Constitution creates many more opportunities for members of the public to participate meaningfully in politics and thus develop their civic virtues. The effect is enhanced to the extent that meaningful deliberative processes are maintained close to the people. On the other hand, if all meaningful deliberative processes were to take place on the national plane, there would not only be far fewer opportunities for political participation, relatively few would have the experience of feeling that their participation made a difference. Service on juries, school boards, town councils, water boards, commissions, and so on, provides many more opportunities for a citizen to see the need for pursuing the common good than if only national resolution of political issues was available. Even where one is not a holder of a specific local political position, the availability of these thousands of political forums helps to greatly enlarge the portion of the population allowed to experience participation in a deliberative process. To the extent that the national government supercedes these state and local political arenas as the determinative voice, to that extent one can expect a diminution in the percentage of the population which experiences meaningful participation, or even seeks to participate.

In addition to widely dispersing political virtue-building among the population, federalism permits considerable diversity in the value systems that result from deliberation on what content should be given to public morals. This diversity in moral value systems greatly enhances the political stability of the entire political system, local, state, and national. To the extent that matters of morals and basic values are determined in the national arena, to that extent one is risking the creation of permanent, intense minorities facing an inflexible national majority. Unlike matters of economics, foreign policy, or the design of political institutions, it is difficult to compromise on matters of morals or the content of public virtue. Where symbolic content is high, and there is not a unit of compromise, such as dollars, the tendency is for people to require all or nothing. Placing the definition of public virtue, as well as its maintenance, in the states, produces the possibility of considerable diversity from locale to locale. There is still the danger of local majority tyranny, but unlike the situation where such matters are determined nationally, one can avoid the tyranny by blocking it out or moving to a new school district, town, county, or state. Thus, diversity in values, something inevitable in a large population spread over a continent, does not lead to systemic conflict.

Finally, having at the state and local levels many political arenas that are, on certain issues, independent of the national government and thus provide meaningful experience in deliberative processes, provides many training grounds for those who eventually become federal decisionmakers. In effect, federalism extends the filtering system for identifying more virtuous citizens to serve in the national government, and provides a much larger group of people trained in the virtue-skills needed to make the system of representation work as it is outlined in *The Federalist*.

Conclusion

The purpose of this essay has been to briefly outline the manner and extent to which the concept of virtue is a part of our American political heritage. In order to understand the place of virtue in our political system, it is necessary to come to terms with the concept of federalism as well. To put the matter as strongly as possible, it is clear that focusing upon federalism as a central aspect of our political system is the only way to easily and comprehensively understand the role of virtue in our political heritage. This is only one way in which the study of federalism leads to a more complete and sophisticated understanding of American politics than is usually derived from our civics and government textbooks. Our political system has the democratic principle play an important role in the definition and operation of our political institutions, but it is incorrect to call our system a democracy. Rather, it is most correct and most useful to term our political system a *federal republic*, which is what the founders called it. Focusing once again upon the principles and assumptions used by the founders in the design of our political system requires a renewed emphasis on the teaching of the meaning and implications of federalism, and one critical implication is the central role played by the concept of public virtue.

The extensive work over the past quarter of a century by historians and political scientists which has led to a greater appreciation of federalism as a central principle of constitutional design in America has not yet filtered into instruction at the introductory college and secondary school levels. In part this is because of the very size of the literature. Also, because our students have increasingly become less print-oriented, anything to do with politics that requires a fair amount of reading has come to be looked upon as too scholarly, perhaps even esoteric. In order to counter this unfortunate long-term trend in American education, this essay has attempted to outline as briefly and as clearly as possible the essentials of what must be taught concerning the origin and nature of American constitutional and political thought.

What follows is a set of aids to those teaching American government who wish to enhance their own and their students' understanding of what recent scholars have to teach us. The first part is a suggested outline of topics that constitutes a reasonably brief way of organizing material on American political thought for use in the classroom. The second part is a list of suggested readings for teachers to move them quickly to an advanced understanding. It is not exhaustive, but provides quick and deep entry into the advanced literature. The result, it is hoped, will materially assist the improvement in the level of knowledge and the level of thinking about the American political system. It is a brief demonstration of the manner and extent to which the use of a federalism perspective provides an efficient and sophisticated introduction to American politics.

Topics for Further Study

Topic 1: The Beginning of American Politics

It is no longer possible to teach the history of American politics and political thought beginning in 1776. Americans must learn once again that theirs is a federal system, and it is a federal system because there were local and state constitutions long before there was a federal Constitution. Familiarity with a few early political documents will go a long way in this direction. While it is always the case that the more you read the more you know, some selection must be made among the many colonial documents of impornce. High on any list worth reading are The Mayflower Compact, 1620; The Pilgrim Code of Law, 1636; and Fundamental Orders of

Connecticut, 1639 (the first true constitutions in the English language); the Massachusetts Body of Liberties, 1641; and The Government of Rhode Island, 1641 (which established the first federal system in America).

Topic 2: The Early State Constitutions

The colonial experience in political development reached initial fruition in the state constitutions written between 1776 and 1787. A brief examination of two or three of them will establish the extent to which our federal Constitution was derived from them. In descending order of importance one might have students read the Massachusetts Constitution of 1780, which became the model for many state constitutions right into the twentieth century; the Virginia Constitution of 1776, the Declaration of Rights of which was the model for the Declaration of Independence; the Pennsylvania Constitution of 1776, the most radical constitution of the era and the main competitor for future constituional design in the future; and the New York Constitution of 1777. Even the relatively unimportant Maryland Constitution of 1776 contains the first electoral college. These can be found in the Thorpe volumes and cheaply photocopied.

Topic 3: Early Nation Building

There are three documents of major importance here: the Articles of Confederation, The Declaration of Independence, and the United States Constitution. The Articles really must be read if a student is to understand why the national Constitution had to be federal in design if it was to be accepted. The Declaration of Independence must be read in its entirety. Most of the document deals with the grievances against the king of England, and these grievances are in the name of states, not of individuals. The original United States Constitution should be read in order to show, among many other things, that the Senate was once elected by state legislatures. There is no substitute for being familiar with the national document.

Aside from their own colonial and early national political experience, those building our new nation drew upon European intellectual sources as well. Anyone wishing a complete sense of the basis for our political institutions would want to sample the writings of these European authors. In descending order of importance these European authors are: Montesquieu, Blackstone, Locke, Hume, Trendhard and Gordon (Cato's Letters), Delolme, Pufendorf, Coke, Cicero, Hobbes, Grotius, Rousseau, Harrington, and Algernon Sidney.

Topic 4: The Reasoning Behind American Institutuions

If we are to have truly educated students, they must understand the reasoning behind our historical political choices. It has been assumed that for the first three topics the teacher can provide this on the basis of his or her own reading. In this topic it is possible to let the student read some original texts. *The Federalist* is really a must, especially Nos. 1, 10, and 47-51. The material in the Hyneman/Lutz volumes is an effective, inexpensive way to expose students to thinking by others than Federalists, and from the entire founding era. A teacher could choose about eight to twelve items from these volumes so as to include one sermon, one argument against slavery, one or two discussions of what should be in a constitution, and several short pieces from newspapers to give interest and flavor to the reading. Whatever is selected, The Essex Result should be among them.

Topic 5: The Development of American Politics

A lot has changed since 1789, although not as much as some people think. An overview of the major changes, the broad reasons for these changes, and the implications for our future political lives should be examined. The Elazar book or one like it is a good introduction to this topic.

A variety of case studies might be used to illuminate one or another aspect of how the notion of virtue as seeking the common good relates to American politics, and how federalism is related to virtue. For example, one might consider the implications of single-issue groups dealing with topics like abortion, school prayer, and nuclear power who refuse to compromise in the face of goals sought by other groups. This is an example of how the issue of virtue as originally defined by the founding fathers creates lively discussion about the federal and the national system. At the state level, one might consider the problem of where to place prisons as another example of the question of where virtue lies. Everyone agrees that prisons are needed, but few people seem to want one in or near their own community. One might study the development of welfare programs as an example both of political virtue and of how major advances in public policy usually begin in the states. One might also use a case study of the disposal of nuclear wastes. Federalism requires the approval of a state before a nuclear waste site can be placed in it. Many states have been using the means available to them to prohibit the placement of such sites within their respective borders. The matter of political virtue is also relevant here.

Suggested Readings for Teachers

The best general introduction to the constitutional period, although a bit long and detailed, is Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1969). Also highly regarded is Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Mass.: Belknap Press, 1967). This writer has a book, the last three chapters of which summarize much of the literature by recent historians. The bibliography at the back is also useful for those interested in digging more deeply into one or more specific topics. See Donald S. Lutz, *Popular Consent and Popular Control: Whig Political Theory in the Early State Constitutions* (Baton Rouge: Louisiana State University Press, 1980). Although not always very readable, and a bit overstated in their respective positions, two books by Garry Wills should probably be consulted if for no other reason than they are now widely read and inevitably form part of the basis for discussion on the topic. The first one, *Inventing America* (New York: Vintage Books, 1979), deals primarily with the Declaration of Independence and Thomas Jefferson. The second, *Explaining America* (New York: Doubleday, 1981), deals primarily with *The Federalist* papers and James Madison.

Anyone who is interested in knowing how colonial Americans and Americans in the last half of the eighteenth century lived and conducted politics, and who also would like a money-back guarantee that the book is well written and hard to put down, should consult Marchette Chute, *The First Liberty: A History of the Right to Vote in America, 1619-1850* (New York: E. P. Dutton, 1971). Three other very readable books that convey a good deal in relatively few pages are: H. Trevor Colbourn, *The Lamp of Experience* (Chapel Hill: University of North Carolina Press, 1965); Paul K. Conkin, *Self-Evident Truths* (Bloomington: Indiana University Press, 1974); and George Dargo, *Roots of the Republic: A New Perspective on Early American Constitutionalism* (New York: Praeger, 1974). Finally, there is the national award winning general overview by Michael Kammen, *People of Paradox* (New York: Vintage Books, 1973). Only the books by Gordon S. Wood, Garry Wills, and Michael Kammen are in paperback. The book by Chute could be placed in the hands of good high school seniors or college freshmen and they would be likely to finish it and feel greatly rewarded.

Generally speaking, it is probably better to place original texts rather than secondary literature in the hands of students. Unfortunately, this is not always easy to do. A list of American documents of political foundation from the Mayflower Compact to the United States Constitution can be found in Donald S. Lutz, "From Covenant to Constitution in American Political Thought," *Publius: The Journal of Federalism* 10 (Fall 1980): 101-330. A list of federation proposals in American history can be found in Donald S. Lutz, *Popular Consent and Popular Control*, pp. 31-32. The documents themselves can be found in part scattered through Francis N. Thorpe, ed., *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States*, 7 vols. (Washington, D.C.: Government Printing Office, 1907). Thorpe should be found in any reasonably good library, and because there is no copyright problem, specific documents can be photocopied. Almost all of these documents have been collected in Donald S. Lutz, *Documents of Political Foundation by Colonial Americans* (Philadelphia: Institute for the Study of Human Issues, 1984).

Americans wrote a great deal about politics between 1765 and 1800, much of it very good writing. There are a number of volumes collecting these writings. There is no substitute for having students read *The Federalist* by Hamilton, Madison and Jay. Beyond this, it becomes a bit expensive putting original texts in the hands of students. There is a two-volume collection ($13.50 for the set) by

Charles S. Hyneman and Donald S. Lutz which offers a representative collection of seventy-six pamphlets and newspaper articles. The first volume covers 1760-1787 for only $6.75. Volume 2 has a bibliography of American political writing during the founding era, and it is followed by a bibliography of all the other major collections available. See Charles S. Hyneman and Donald S. Lutz, *American Political Writing During the Founding Era* (Indianapolis: Liberty Press, 1983).

The teacher interested in developing his or her understanding to a high level has a rich set of original texts from which to choose. In addition to the documents of foundation edited by people like Thorpe and Lutz, and the collections of pamphlets and newspaper articles available in print, one can also read Madison's notes on the proceedings of the convention that wrote the United States Constitution—Max Farrand, ed., *The Records of the Federal Convention of 1787* (New Haven: Yale University Press, 1937). One can also read the debates in the state conventions which met to decide whether or not to ratify the Constitution. Partisan though complete is Jonathan Elliott, ed., *The Debates in the Several State Conventions on the Adoption of the Federal Constitution* (Philadelphia: J. B. Lippincott, 1901). More accurate, though not yet complete, are the volumes of the *Documentary History of the Ratification of the Constitution* (Madison: State Historical Society of Wisconsin, 1976-).

There has been a great deal written about federalism in general and American federalism in particular—much of it written very badly. The best single introduction, one suitable for student and teacher alike, is Daniel J. Elazar, *American Federalism: a View from the States*, especially the first few chapters, now in its third edition (New York: Harper and Row, 1984). a good, inexpensive introduction and overview for *The Federalist* and the theory of federalism underlying the federal Constitution is Vincent Ostrom, *The Political Theory of a Compound Republic* (Philadelphia: Center for the Study of Human Issues, 1983). The literature on federalism is so voluminous and so uneven that the person first reading on the topic can easily become discouraged. The simplest procedure is to write the Center for the Study of Federalism, Temple University, Philadelphia, Pennsylvania 19122. The Center can provide complete bibliographies, reprints of good articles and monographs at low cost, and further information for use by teacher and student.

A comprehensive introduction to American political thought requires a certain amount of judicious culling and choosing. Precisely what to omit and what to include is best determined by the teacher in the classroom, who is most familiar with the students being reached.

3.

Federalism in the Constitution and Constitutional Law: The Constitution as a Federalist and Antifederalist Document

Samuel Krislov
University of Minnesota

The federal constitution has historically provided an adjustable but real boundary between national power and state authority. The principal protection of state power has been political, resting on the sense of the people that they wish to maintain diverse sources of power.

Constitutional law in recent decades has strengthened national power. But it has supported local independence in many ways, and even more decisively built defenses of social pluralism. Efforts to formulate a positive constitutional federalism that will defend state power without creating a crisis for national security have not been fruitful, but both judges and scholars are casting about for new ideas.

This effort has become more crucial at a time when federal courts are more vigorously asserting control over public agencies, mostly at the state level. The strong sense of the public that centralization should be slowed, if not reversed, has been translated into theories and decisions that have at least served to place a brake on new legal doctrines of the centralized state.

The constitutional order Americans live under has universally come to be known as Federalist. There is some irony in this fact, for at the Philadelphia Convention the system being brewed was referred to as "national," while the term "federal" was reserved for the existing regime under the Articles of Confederation. Some historians regard the preemption of the term "Federalist" by James Madison, Alexander Hamilton, John Jay, and the other pro-constitutionalists as nothing more than a public relations coup. But the fact that political theorists today find basic differences between, say, the Swiss Confederacy and the American federal system underscores that a new and different order was being created in Philadelphia. In truth what was concocted was neither "national" nor "confederate" but something in between.

Even the finished constitutional document did not represent the final compromise between centralizers and locals, between "Federalists" and "Antifederalists." The Bill of Rights redefined and paid off on the political promissory notes incurred at the ratifying state conventions. It is a price paid to the Antifederalist forces. As the late Alexander Pekelis noted, the opening words of each of "their" part of the document also reflect each group's aim.[1] *Federalist* No. 1 briskly gets down to the business of governance: "the Congress shall have the power," while the Antifederalist First Amendment sets limits: "Congress shall make no law. . . ."

A more familiar juxtaposition making much the same point is with the Federalist Supremacy Clause and the Antifederalist Tenth Amendment. The Supremacy Clause established the dominance of the federal Constitution and all federal laws and treaties passed "in pursuance" of the Constitution over state actions. As Chief Justice John Marshall makes plain in *Marbury* v. *Madison*, only federal laws which are in accordance with the Constitution are "supreme law of the land."[2] Still, the Supremacy Clause is more than adequate to nail down national power in legal terms. Article VI provides that enforcement of federal supremacy is enjoined upon "the Judges in every State." The Founders required and trusted state judges to defend national law by limiting their own governments. The record of state judges has been mixed, but on many issues they have been extraordinarily responsive to the national idea. In the struggle over desegregation, for example, many key decisions for integration were made by southern state and federal judges.

The Antifederalist Tenth Amendment presents rather less than meets the eye, but its historical use has been more extensive. It provides that all powers "not granted" to the federal government are reserved to the states and the people. Madison handcrafted this position in an almost cynical way. The Articles of Confederation contained a similar provision which limited exercise of national powers to those "expressly granted," a true-and-tough limitation. Madison's omission of the word "expressly" made the amendment largely innocuous, for it says only that federal power must be pleged to a constitutional provision—a position Marshall found to be implicit within the Supremacy Clause itself. The elimination of the word "expressly" was neither casual nor backstage; Congress refused in successive votes to reintroduce the word into the text of the Bill of Rights, in what must have been a conscious reaffirmation of a more generous approach to national power.[3] That, after all, was the motive behind the new constitution.

The Tenth Amendment, then, emerges less as a restraint on national authority and more as a further underlining of the idea of constrained, defined government. As the Supreme Court suggests in *U.S.* v. *Darby*,[4] the amendment states "but a truism that all is retained which has not been surrendered" yet, in today's context it is, as we shall see, a truism which is all too often denied.

Still, viewing the comprehensive scheme—the document proper and the immediate amendments—one is struck by its deep ambivalence, and even contradictory viewpoints. The tension between nationalism and localism is written throughout the document.

Madison as Portent

Madison embodied within his value system this persisting American ambivalence. Father of the Constitution, architect of the Bill of Rights, coauthor of *The Federalist* Papers, and collaborator with Alexander Hamilton and Thomas Jefferson, he theorized in inconsistent fashion at varying times of his life. Even more characteristically American, he had hardly finished leading the fight to create an effective national government when he began to move to delimit and contain it.

Originally, Madison, like other Federalists, did not worry much about controlling national power. In *Federalist* No. 10, he argued that the diffusion of power in a diverse republic would avoid excessive concentration of power and constrain not only tyrannical governments, but also tyrannical majorities. Directly confronting Montesquieu's argument that republics could operate only in intimately based small localities, he argued that a large, diffuse nation would require shifting coalitions to govern, and so would be protected by what we now call pluralism and the absence of a dominant interest. This Madisonian argument is the bedrock of American social and political philosophy, and reappears in American scholarship and thought in many guises—in John C. Calhoun's veto power, social pluralism, and countervailing power, to name but a few. Its constant reinvention approaches cultural plagiarism.

This argument that localism and states' interests were almost automatically protected by the distribution of political power in so large a country became a cornerstone of Federalist argument, and especially of John Marshall's constitutional thinking. To him, the national government required judicial protection, but the individual states neither required nor deserved much protection. An individual state could gain at the expense of the nation. The national government, in contrast, was not likely to sap the states, because the Congress in turn was in essence based upon states.

Even at the time he drafted the Bill of Rights, Madison remained essentially a nationalist thinker. But he also was already, under the influence of Jefferson, not only willing but eager to extend judicial control over national excesses, as well as over parochial violations. This was to take on added force when he took part in framing the Virginia and Kentucky Resolutions in the struggle against the Alien and Sedition Acts.

His ideological drift from centralist thought was more or less continuous through the rest of his life. That paralleled a shift to localism which developed once the national government was secured.

This pattern of tension between national and local emphases lies, then, at the core of the Constitution, exemplified by Madison and elaborately acted out in our history and in our constitutional litigation. The history of federalism traces much of what is significant in the early years of the Republic.

The Course of Constitutional Law

Marshall's mission was to establish the federalist principle that national power was to be enforced judicially, as stated in the Supremacy Clause. By implication—and in *Marbury* v. *Madison* by example—the actions of the national government were controllable, but obviously were to be kept on a much looser leash than those of the states. As the Chief Justice explained in *Gibbons* v. *Ogden*, a granted national power such as the commerce power "is complete in itself, may be exercised to its utmost extent and acknowledges no limitations, other than are prescribed in the constitution."[5] The limits of that power were largely to be found in political relationships—"the wisdom and discretion of Congress, their identity with the people, and the influence which their constituents possess at election."[6]

But Marshall fought a judicial and legal rear guard action which saw states' rights and local authority gradually strengthened during most of the first three-quarters of the nineteenth century. The Supreme Court took an "even-handed" approach called "dual federalism" which tried to use the Tenth Amendment as a bulwark against federal expansion. Then, shortly after the Civil War, there began a half-century of decisions which were, in effect, restoration of a nationalism which was to prove even more thoroughgoing in its consequence. This constitutional centralization was also more firmly based upon an ever more integrated national economy which demanded nationwide regulation of business relations. A reluctant, and even alarmed, Supreme Court did try at first to impede such natural developments. "Liberty of contract" was read into the Constitution as a limit on both national and state governments. Finally, in the New Deal years, the justices overplayed their hands, forcing President Roosevelt to challenge them. To save the institution, the justices abandoned much of the controversial economic doctrine, and rather meekly gave way by wholesale resignations, which permitted even more drastic doctrinal change.

The Commerce Clause authority of the national government was made almost limit-proof. "If it is interstate commerce that feels the pinch, it does not matter how local the operation which applies the squeeze," Justice Robert H. Jackson summarized.[7] He also wrote the opinion in *Wickard* v. *Filburn*, which allowed the federal government to regulate a few bushels of grain fed to hogs (which never left the farm on which they were grown), on the twin theories that: (1) if farmers didn't raise such grain they would buy it on the open market; (2) one farmer's grain didn't matter, but that of millions might.[8] In effect, if the Congress found that a matter was socially and politically a problem of a magnitude worthy of regulation, the courts were not likely to challenge the evaluation.

And in *U.S.* v. *Darby* (1941), the Court held the Tenth Amendment had been misused and was, as indicated earlier, a truism having no limiting force other than confirming the basic notion that the Constitution established a government with limited powers.[9] This restoration echoes Marshall's notions that the Constitution is to be interpreted generously—"We must never forget that it is a Constitution we are expounding"—even though the federal government is limited to exercise functions traceable to some specific constitutional provision. After the *Darby* decision a leading New Deal government attorney wrote an article for the *American Bar Association Journal* entitled "The Tenth Amendment Retires."[10]

Looking back over the sweeping Commerce Clause cases, the end of the Tenth Amendment as a roadblock to national power, and the benign attitude the Court now assumed toward federal use of grants-in-aid to states and individuals to secure agreement to policies not otherwise under congressional authority, Roscoe Drummond concluded in 1949 that "our federal government no longer exists and has no more chance of being brought back into existence than an apple pie can be brought back on the apple tree."[11] Once again voices spoke of the "obsolescence of federalism" and the demise of the states. Those who with more sophistication noted how much the national government found it necessary to regionalize and decentralize even its routine operations in order to remain efficient, and therefore suggested the states might just as well be retained for such purposes, still saw them as constitutionally vulnerable.

The Current Distribution of Power

The high tide of national power has ebbed only slightly since. What has been manifest both politically and constitutionally has been dissatisfaction with a constitutional order in which the states exist on sufferance and a political sense that decentralization will do things better or cheaper or at least with more civility and less depersonalization. Politically, the "avant garde" neo-liberal Democrats, who emphasized small units and diminshed expectations, and echoed Jeffersonian concepts, have, to a great extent, gone back to standard Republican platform positions.

In terms of constitutional law, the centralizing legal theorists have not been content with broad doctrinal support for national authority. The increasingly stylish law-school view is that the national government is not limited to any articulated purpose in that document. Noting the fact that the Constitution has continuously acquired meanings and shadings not strictly hidden in the words of the document, advocates suggest that the function of the courts is to express social values immanent in the society. These are not, as one of the extreme advocates of this view, Ronald Dworkin, believes, subjective choices.[12] Judges do err, but there is essentially one "true" answer to most questions, and a culturally-generated norm is as firmly discernible as one rooted in the constitutional document. We have, according to Thomas Gray, an unwritten Constitution, which is not remarkably less definite than the written one.[13]

This modern Rousseauian doctrine, with its justification for judicial free will as the one true articulator of a general will, does suggest the wisdom of the Madisonians in including the Tenth Amendment in the Bill of Rights. Sometimes truisms need to be restated, subordinating the oversubtle to what has been always thought plain and obvious. Those powers not given to the national government were not, as suggested by the new writers, delegated to the courts or even to legal philosophers.

Putting on Brakes, Not Going into Reverse

Outside the law world, dissatisfaction has been evident with both the substance and form of constitutional decisions that affect federalism. In three areas in particular, efforts of the 1960s and 1970s to impose a uniform national pattern have been less than successes. The Warren Court attempt to control the police through the *Miranda* and similar decisions has somehow rendered relatively unexceptionable rules, enforced much earlier in Great Britain, into a controversial guerilla war between the police and the advocates of due process. Interestingly, it was one of the most fervent pro-defense scholar-activists, Anthony Amsterdam, who suggested that we might have achieved more had the courts simply forced police departments to adopt their own rules (subject to review for minimum standards of due process treatment), and then held them to account for violations of their own rules. As he points out, most units would substantially have "developed" (or borrowed from standard formulas) much the same constraints that were imposed by the courts.[14]

Ultimately the Burger Court utilized a variant of this to quiet controversy over the issue of pornography. The Warren Court had reached a point of almost complete futility, with virtually as many approaches as to how to deal with the issue as there were majority judges. The remaining legal problems involving "hard-core" materials were, at least in the short run, not very important, yet the Court's prestige had somehow gotten deeply intertwined with resolution of the matter. Liberals were insisting on an end to any regulation, while pragmatists were nervous about broad formulistic solutions to matters which cut deep into the emotions and psyches of people, and not the least into the complex reactions of parents anxious to protect the sexual development of their children. In its last years, the Warren Court limply had to base such decisions as *Redrup*[15] on five or so different approaches, all of which happened, in the eyes of their judicial advocates, to converge toward a uniform outcome. But as guidance for future decisions they constituted a multi-dimensional jigsaw puzzle.

The Burger Court decentralized the process of defining standards, suggesting "local community standards" should control the decision, a suggestion that Earl Warren had earlier made his own. The tension between national and community standards quickly became apparent when a local community banned a main-line movie, *Carnal Knowledge*, starring Jack Nicholson and Art Garfunkel. The Court underscored that "local community" standards would prevail only in an area defining borderline pornography; it could not be permitted to undermine the exposition of ideas simply because the material in question had some sexual aspects.[16]

This position seems to have created little real difficulty, even though the media have savaged the Burger Court's approach. By forcing lower level decisions and giving these incidents less focused attention, the Court does not seem to have sanctioned much more overt censorship than formerly, while saving its own time for more important issues.[17] (There have been more problems, with library censorship, for example, but these appear to be more a reflection of current political tendencies and the trend back to social traditionalism than to be based upon any doctrinal or tactical stand of the Court.)

Another area where the Court has harvested continuing conflict has been over abortions. The Court chose to eliminate effectively any state regulation of abortion during most of that portion of pregnancy in which an abortion is likely to be utilized. The claim that *Roe v. Wade* (1973) legalizes "abortion on demand" is therefore a clear exaggeration but not a total distortion. At the time of the decision a number of states had seen fit to liberalize their policies; nonetheless abortion had been legalized in considerably less than the 60 percent of the states that Daniel Elazar has suggested as a minimal percentage for laying the necessary groundwork for the Supreme Court in successfully promulgating a new uniform national rule.[18] The Court was in essence correct in anticipating mass opinion polls showing a continuous strong majority for the pro-choice position, but misjudged the intensity and organization of the opposition. Furthermore, the concentration of opposition by states and even localities has helped preserve and even intensify the struggle.

The foregoing discussion indicates areas in which the Court has had serious difficulty in convincing the country of the desirability of a centralized policy. Even more revealing of the strength of the local impulse in our constitutional thinking have been the areas where the Court itself has rejected centralization and encouraged the development of local decision making. These instances are informative, for some occurred while the Warren Court majority still sat and others, paradoxically, were Burger decisions with overwhelming liberal support.

In an important 1970 decision, the Supreme Court refused to extend the idea of "equal protection" to require states to provide financial aid at a level commensurate with living standards imposed upon the states by judicial interpretation of the Fourteenth Amendment. Even more on point, in *San Antonio Independent School District* v. *Rodriguez* (1973),[19] the Court refused to require uniform contributions by taxpayers living in different districts of a state. Noting the tradition of local support for education, the Court recited in detail how radically the concept being pushed would change support patterns for other functions as well. Noting difficult logical problems if equality would be required as to benefits without deciding how one would also equalize taxpayer burden, the majority stressed the value of the tradition that governing units and financing units be as close to the voter as possible. The justices therefore refused to completely restructure the manner in which local control of American government was historically formulated and replace it by a uniform formula.

As with pornography, this does not mean abandonment of federal standards in educatinal matters. The Burger Court has stood reasonably firm on busing as a solution to discrimination in education. It has also made a dramatic ruling that states may not exclude the children of illegal aliens from public school education.[20]

But decentralization also raised its head in less direct ways. In *Wisconsin* v. *Yoder* (1972)[21] the Court held that free exercise of religion meant that the Amish, who found their way of life threatened by advanced education, could get their children exempted from compulsory high school attendance. The conflict between modern society and their nonmechanized, simple life, embedding much of their religious life, was accepted by the Court as sufficiently established as to justify the exemption. The question remained as to whether the state had overwhelming grounds to require school attendance. In general the justification for compulsory education is the social interest in adequate preparation for economic and citizen life. That justification, the Court suggested, remains logical and sustainable in most instances. But in a remarkable exemplification of American pluralism, the Court suggested that the Amish were an exceptional community—one that had established throughout its history an ability to care for those in need and to guarantee that its members would become neither public charges nor public nuisances. The fact that the Amish were a definable community, and one whose way of life was distinctively not modern but had demonstrated ability to cope with life, required deference to its boundaries. (See John Kincaid's discussion of varieties of American pluralism elsewhere in this collection.)

Justice William O. Douglas, while concurring, raised a point at once central and cogent—and yet ultimately fatuous. He pointed out that the freedom of religion hereby granted was communal and parental and ignored the rights of the children involved. The obverse of the argument that teenagers exposed to drivers' training, photography, and other works of modern-day decadence are being trained not to go back to the farm is that 22-or 25-year-olds who have never studied calculus or physics or social studies are rendered unlikely to leave the farm. The Amish children quickly acquire a young family and face the bleak choice of menial posts or the need to acquire an education almost from scratch. So, Justice Douglas argued, a life-choice is being made by the parents for the child involved at an age when the child has sufficient judgment and maturity to permit or require participation by him or her in comparable decisions (e.g., custody suits).

Douglas' analysis undoubtedly is correct with respect to the collision of individual and community rights. It reminds us that there are costs to positing the rights of even "discrete and insular minorities," the smallest and most closely knit of communities—costs which individuals within or without that community must bear. The Constitution, even ideally and sagely utilized, is an instrument for minimizing friction, not a magic wand that frees one from the reality that life often poses tough, conflicting choices.

His plea for protection of the Amish schoolboy or schoolgirl is, however, ultimately unrealistic. To protect Amish minors against the values of their parents would have been difficult enough had the law moved to require attendance of all adolescents. To suggest that a few of the minor children could become cultural dissidents, who then would be maintained at home as they attended school over their parents' objections, is to misunderstand the driving force of an intensive, self-contained community. Legally enforced tolerance of this sort would be vastly more unworkable and as disruptive of community integrity as enforced schooling. Community control here means some practical loss of options by minors. A child could, as in other family situations, opt out and become emancipated, but no constitutional pattern of protection seems feasible. An analogous case is the well-publicized instance of the Ukrainian boy whose parents found the U.S. inhospitable and returned to the U.S.S.R. The minor took refuge with other members of the family and was encouraged to remain by an older sister. A juvenile court judge ruled he should not be compelled to return to the Soviet Union. Appellate judges, however, have been unwilling to make a ruling that says parental rights stop with Iron Curtain borders, but have allowed sufficient delay that the issue will probably be moot prior to any definitive answer[22]—a Solomon-like answer that, as does the majority opinion in *Yoder*, avoids saying that minors can reject their parents life-style decisions while the parents are still legally responsible for them. Further, it avoids the problem of deciding which rights of choice the status of parenting confers on parents.

The Burger Court has made stronger than ever the autonomy of church bodies over their own affairs. In *Serbian Orthodox Diocese* v. *Milivojevich*[23] the Court decided that matters of church organization were beyond review of civil courts, even if the church allegedly violated its own rules or procedures. Only property rights are adjudicable, if necessary, but doctrinal and structural matters are out of the reach of civil courts.

The central issue of *Yoder*, and of *Serbian Orthodox Diocese*, that of subcommunity rights, was presented in different form in an important zoning case, *The Village of Belle Terre* v. *Boraas* (1974).[24] At issue was a Long Island community's regulation limiting residence in a dwelling to members of a family or two unrelated individuals. Students at Stony Brook University had as a group rented the dwelling, and the landlord challenged the ordinance as restricting the opportunities of possible tenants and the property values of the owner. The village defended its law by arguing that zoning was a responsible choice for a community interested in controlling and defining its own character.

The prevailing opinion by Justice Douglas carried special weight in the light of his own judicial creation of the privacy doctrine, his public stand on Vietnam, and his highly personal life-style. In essence Douglas ruled that a community could create some boundaries on a social basis. Zoning had been upheld for economic reasons such as maintaining property values, and it would be anomalous if the same principles would not allow zoning for aesthetic or otherwise constitutional social purposes. Squares, in short, also had a right to life-style, and to create communities in which they could be comfortable.

The opinion was modified in a manner that actually underscored its principles in *Moore* v. *City of East Cleveland* (1977),[25] in which the Supreme Court declared unconstitutional a statute limiting one shared residence to specific relationships, so that in the matter being decided a grandmother was prevented from living with her grandchildren. The Supreme Court refused to narrowly distinguish the *Belle Terre* case, but explained that regulation there involved unrelated individuals, while in *Moore* the city attempted to define and control the essence of the family. That was to invade crucial rights of liberty, especially since the composition of family varies so much with different cultures and subcultures. To let governments define so critical a component of our society would be to concentrate power improperly. Grandmothers belonged, and so might uncles or aunts, and narrow, middle-class, tight notions of the family unit could not be imposed on, say, hispanics, orientals, or gypsies. East Cleveland had to recognize they might do it differently in East Europe.

In short, the constitutional law of decentralization is alive and kicking. Municipalities and local controls have in key decisions been strengthened in recent decades. The autonomy of insular religious sects has received unprecedented support in a remarkable decision that has no antecedents, but must ultimately produce some progeny. And the explicit recognition of a subcommunity's right to define itself and the family unit to have its own rights of definition bear out all those values sociologists say undergird our own legal order.

Emerging Issues and Developments

These decisions are complex and do not represent a clear trend away from national power, toward state authority, or even away from government to private decision. But they do indicate legal doubts about major aspects of concentration of governmental authority. They also reflect and parallel an unusual consensus of "New Right," "New Left," and "diminished expectancy liberals," like Democratic Governor Michael S. Dukakis of Massachusetts, (perhaps the "New

Center"), who question the efficiency and humaneness of expanding centralized authority.

So it is not surprising that first Justice William H. Rehnquist and now Justice Sandra Day O'Connor should also be attempting to find some firmer positive ground for states' constitutional power, some legal residuum where federal boots are not allowed to kick out state authority. The trend away from legal centralization, characteristic of the 1970s and 1980s, is evident in the decisions of liberal as well as conservative justices.

Federalism seems too precious to be kept completely subject to congressional control, dependent on the political moods of our complex society. The time to build back and resuscitate some rudiments of the "dual federalist" Jacksonian notion of two sovereigns with equally untouchable spheres is, of course, in such an era of world conservatism as we have been experiencing. Still, the basic Marshall-Holmes-Stone-Frankfurter constitutional position that the national power is defined in terms of its own limited power, but independent of state power, is firmly ensconced and difficult to dismember or reverse.

Chief Justice Burger and Justice O'Connor have concentrated upon restoring the deference of federal courts to decisions of state courts, restoring local authority by limiting the type of cases federal courts review, and by the scope of review when a case is heard. The practical effect of this is potentially quite sweeping or modest, depending upon the responsiveness of the federal judiciary as a whole to this strategy. It does not challenge the theory of federal preeminence, but could sharply limit it in practice. But its success is problematic. The bulk of the federal judiciary was appointed by Presidents Kennedy and Carter, and is fairly activist. Furthermore, the pressures for national uniform rules about almost everything are surprisingly heavy coming from the Congress and most local bar associations, to name only two major sources. There are forces at work, in short, toward centralization as well as decentralization.

Justice Rehnquist has been much more aggressive in attempting to alter basic doctrine. His efforts are often strained, and though many commentators emphasize his conservative "leadership," it is not evident that he has built much support among his fellow associate justices, or even that his influence over Chief Justice Burger remains what it once was. If in doctrinal daring he is the conservative counterpart to Hugo Black, his carelessness with detail makes him even more comparable to William Douglas. Unlike Black, he is not a mobilizer of colleagues.

Rehnquist's one great triumph was *National League of Cities v. Usery* (1976),[26] an unusual and even perplexing decision which revived attention to federalist notions but has already been limited by subsequent decisions, almost to the vanishing point. The *Usery* majority overruled an eight-year decision, deciding that Congress could not apply minimum wage laws to state employees or those of local governments. The Federal Labor Standards Act rests on the Commerce Clause, in judicial decision the most untrammeled of federally granted powers. Acknowledging that this was otherwise clearly an exercise of Commerce Clause power, the majority in *Usery* found the threat to state and local governments too great to be permitted. If the federal government could set wages it could, for example, affect the number of employees such governments could employ. Setting salaries was an "attribute of sovereignty." Echoing Douglas' dissent in *Wirtz v. Maryland*[27] (where the majority thought Congress' power was clear), the plurality opinion insisted on the need to protect the essence of state power by making states independent in salary decisions. (Justice Harry A. Blackmun, who provided the key fifth in this 5-4 vote, suggested the test was less clear-cut. One must balance the state and national interest in such regulation. He also indicated that this balancing would clearly uphold federal environmental regulations, a seemingly odd proviso that proved presciently needed in subsequent Supreme Court cases. These underscored the fact that *Usery* was limited to cases where the actual operations of the local government are at stake, not to its reach as a policy implementer.)

Usery is a strange, quicksilver case whose logic appeals one day and repels the next. Its transmutation into a reasonable, tractable, principled decision seems as unlikely as Douglas' invention of the constitutional doctrine of privacy. Still, its existence as a reserve weapon has attractions, as a sort of deterrent, much as some advocates of capital punishment want it on the books without its actual use.

Apparently, the fears that Blackmun so obviously had over *Usery* grew with time and the use of it as a precedent by litigants and his colleagues. In *EEOC v. Wyoming*, the question was whether the federal law limiting employers' imposition of an early retirement age applies to the states.[28] Blackmun again supplied the fifth vote, but this time joined an opinion sustaining national power. *Usery*, according to the plurality opinion, prohibits only federal regulations affecting expenditures of money or other matters impinging on state operations. It is therefore a highly limited precedent, further weakened by Justice Paul Stevens' concurring opinion which calls for it to be expressly overruled. The dissenting opinion, by Rehnquist, insists that in effect it has been.

This is a strange history indicating volatility and future conflict. From *Wirtz* to *Usery* was only eight years; from *Usery* to *Wyoming*, only seven. The Supreme Court justices are here sufficiently committed and emotional to move sharply with only the barest of deference to previous decisions.

Where controversy has been even more evident is over Burger Court upholding of state regulations over such matters as crime control, sexually-related behavior, and other "social issues" through its developing arguments for restoring state power. On the whole, however, it has resisted the temptation to limit national power through those means.

It is interesting that liberal forces have reacted to Burger Court conservatism by consciously concentrating their attentions upon state courts. By building up rival doctrines throughout the system they create a dynamic with which on substantive issues they hope to counter what they see as the Burger Court's errors. In a sense, there could be no greater tribute to federalist-pluralist notions than having their instrumentalities provide alternative forums for the supporters of rival doctrines. While the national Court may be harping on states' rights, the state courts may be developing sweeping doctrine under their own constitutional language, often identical with the federal provision, as a model for federal laws or later federal court decision. And it is by no means unknown for the state court to suggest directly or indirectly the need for a uniform federal rule.

A Side Issue of Much Importance

In recent years federal courts have increasingly intervened to control day-to-day activities of institutions like schools, mental institutions, jails, and welfare operations in order to secure compliance with constitutional standards or congressional standards. Judges have issued detailed regulations, often relying on recommendations by experts or lawyers appointed by the Court to act as special masters to aid the job.

Sometimes the result has been highly successful in terms of institutional improvement. Judge Frank Johnson of Alabama became nationally famous with rulings that drastically modernized prisons in Alabama both physically and administratively. On the other hand, Judge Arthur Garrity of Massachusetts tried to desegregate Boston's schools through control of everything from teacher transfers and salaries, personal selection of head masters, and regulations about admitting students to specific academic programs. At the end of a decade fewer students were integrated in situations than at the beginning.

The reach of such orders is as unprecedented as their extent. For example, in 1978 the U.S. Department of Justice found 170 school districts with 5,000,000 students under continuing court orders. This type of pervasiveness inevitably has drawn both attention and criticism.

There are many reasons for the growth of court activity; only the two main ones will concern us here. Part of this comes from judicial activism, from a lower federal court judiciary that was appointed largely by the Kennedy-Johnson and Carter administrations (paradoxically the Supreme Court was largely appointed by Republican presidents). But the courts are also responding to a trend in congressional legislation that mandates "rights" and "standards" of a more general nature than had prevailed in the past. This has forced the courts first into a more complex type of refining congressional intent, making the statutes intelligible, and then into complex enforcement processes, making the statutes work.

These developments have a special meaning for federalism. The institutions affected are predominantly local in nature. Court control saps local initiative. Courts often prescribe remedies for litigants involving large expenditures of public funds without considering any of the consequences that such expenditures might have through lessening funds for other purposes. One anonymous critic has suggested that the tendency of the courts is to decide that "everybody has a right to everything." Continuous control by federal courts of state operations emphasizes also the public perception that local government does not matter.

Criticism of such expansiveness has been based upon both normative and functional grounds. Arguments that recent expansions of court activities threaten the democratic order, and ultimately bring the judicial function into disrepute, are common. The most important of these are the volumes by two young new deans: John Hart Ely of Stanford and Jesse Choper of Berkeley.[29] The argument that courts are poorly equipped to become administrative overseers is developed most powerfully in the seminal work of Donald Horowitz.[30]

Horowitz argues that the legal method is designed to deal with "historical facts," by the painstaking reconstruction of what happened. It is, he suggests, poor at "social facts," attempts to predict how people will behave, as the judges try to fashion a remedy. As courts try to change political institutions more and more, they move into areas where they are not adept.

The legal form of this critique has been the effort of Justice O'Connor to attempt doctrine to limit appeal from state courts to the U.S. Supreme Court. This buttresses a longer-term effort of Chief Justice Burger to find legal changes limiting lower federal court intervention in proceedings in state courts. It remains to be seen whether this attempt to cure a long-range social development, abetted by a cavalier approach by Congress, through fine tuning rules of appeal, will prove at all successful. To many, the Burger-O'Connor approach is too technical and indirect, not tackling the source or nature of the problem. Both Ely and Choper, for example, call for reassessment of the very nature of the judicial function itself.

Conclusion

The Constitution has served us well in the field of federalism, giving us a flexible instrument that permits subtle shifts back and forth between general and local authority as social needs require. To accomplish these shifts the Framers relied mostly on the political judgment of the populace. These political checks were strenghtened by constitutional doctrine which drastically limited national power to deal with problems durable majorities wished to tackle. As American society became national in scope, those constitutional restraints were swept aside, like the walls of a dam which attempt to hold back raging waters.

There is a strong sense, in both popular and legal opinion, that some safeguards must be restored. In many specific areas of jurisprudence, little dams—that is, constitutional limits on governmental power—have gradually been built up. These do not necessarily help restore balance in state versus national authority, and Supreme Court justices have been attempting to find new, but still consistent and modern, doctrine to once again provide constitutional protection for state authority. This is not an easy intellectual challenge, but it is one which, in principle, most political opinion in the country would endorse, however suspicious they might be of specific efforts to accomplish this. Contemporary history abroad—as well as our own experience with cumbersome and heavy-handed monolithic structure—reminds us how much we need pluralistic structures to protect liberty and individuality, to provide breathing space in an increasingly controlled and homogenized society.

American reforms, the sociologist Robin Williams has written, are accomplished not under the slogan "down with the Constitution," but "back to the Constitution."[31] The challenge is to restore the constitutional balance, the original framing principle—to establish, if not indestructible, at the very least healthy, states in a healthy Union.

Endnotes

[1] Alexander Peklelis, *Law and Social Action* (Ithaca, N.Y.: Cornell University Press, 1950), p. 94.

[2] 1 Cranch 137 (1803).

[3] A full account, with references to sources, appears in my "Some Enduring Misconceptions of American Constitutional History," *Indiana Law Journal* 37 (Winter 1962): 201ff.

[4] 312 U.S. 100 (1941).

[5] 9 Wheat. 1, 94 (1824).

[6] Ibid., 197.

[7] 336 U.S. 460, 464 (1949).

[8] 317 U.S. 111 (1942).

[9] 312 U.S. 100.

[10] A.H. Feller, "The Tenth Amendment Retires," *American Bar Association Journal* 27 (April 1941): 223-227.

[11] "Are We Maintaining our Federal System?" *State Government* 23 (Special Supplement 1949): 1.

[12] *Taking Rights Seriously* (Cambridge, Mass.: Harvard University Press, 1977).

[13] Thomas Gray, "Do We Have an Unwritten Constitution?" *Stanford Law Review* 27 (1945): 703ff.

[14] Anthony Amsterdam, "Perspectives on the Fourth Amendment," *Minnesota Law Review* 58 (1974): 349-477, esp. 419-427.

[15] *Redrup v. New York*, 386 U.S. 767 (1967).

[16] The "local standards" rationale is to be found in *Miller v. California*, 413 U.S. 15 (1973); *Carnal Knwledge* is dealt with in *Jenkins v. Georgia*, 418 U.S. 153 (1974).

[17] See forthcoming Ph.D. dissertation, University of Minnesota, by Joseph Kobylka of Souther Methodist University.

[18] Elazar's "three-fifths" rule is to be found in *American Federalism: A View from the States*, 2nd ed. (New York: Thomas Y. Crowell, 1972), pp. 173-175.

[19] 411 U.S. 1 (1973).

[20] *Plyler v. Doe*, 102 S. Ct. 2382 (1982).

[21] 406 U.S. 205 (1972).

[22] See *In Re Polovchak*, 432 N.E. 2d 873 (1981) and __ N.E.2d __ (1983). Compare the less dramatic, but more far-reaching, vindication of family control in *Santosky v. Kramer*, 455 U.S. 745 (1982).

[23] *Serbian Orthodox Diocese* v. *Milivojevich*, 426 U.S. 646 (1976).

[24] 411 U.S. 619 (1973).

[25] 431 U.S. 494 (1977).Efforts by Chief Justice Burger and Justice Rehnquist to expand community control to such issues as excluding live entertainment or adult bookstores have also not drawn great support. See, for example, *Schad* v. *Borough of Mount Ephraim*, 452 U.S. 61 (1981).

[26] 426 U.S. 833 (1976).

[27] 392 U.S. 183 (1968).

[28] *Equal Employment Opportunity Commission (EEOC)* v. *Wyoming*, 103 S. Ct. 1054 (1983).

[29] Jesse Choper, *Judicial Review and the National Political Process* (Chicago: University of Chicago Press, 1980); John Hart Ely, *Democracy and Distrust* (Cambridge, Mass.: Harvard University Press, 1980).

[30] Donald Horowitz, *The Courts and Social Policy* (Washington, D.C.: The Brookings Institution, 1972).

[31] Robin Williams, *American Society*, 3rd ed. (New York: Alfred A. Knopf, 1970), pp. 253-254.

Topics for Further Study

Topic 1: On the basic notion of the "intent of the framer"

Few people achieve a genuine and consistent approach to the question of how much we should follow the Constitution's original meaning. That "meaning" may be ambiguous or even totally absent. (What would Jefferson have thought about federal regulation of pro-football game blackouts on cable television?) In some instances we have evolved rules that meet our needs though contradictory to implications of the Constitution (e.g., states may by law require successful electors for president to vote for the candidate to whom they are pledged, rather than act as independent wise men as originally intended).

At the same time, the advantage of a constitution is precisely that it specifies "the rules of the game" in advance of specific controversies and establishes some matter as settled. Whitehead suggested that the task of the Supreme Court was essentially aesthetic—to reconcile an eighteenth century document to twentieth century conditions.

Does this constitute hypocrisy? Does the fact that there are political advantages to gaining authentic interpretation of the Constitution make such claims hypocritical?

Topic 2: Distributing power between nation and states

The American solution to the problem of allocating power was to grant the national government specific powers while leaving the remainder to the states. To avoid problems this caused, Canada adopted the opposite plan—leaving the provinces a few specified powers and the central government the rest. And of course both sets of powers could be defined and new powers allocated as discovered.

Are there logical and compelling reasons, other than history, for one or another allocation? Under which method are judges more powerful?

Do we wish to have the Congress able to make the major judgment? Is Chief Justice Marshall's distinction between state enroachment and national expansion a valid one?

Topic 3: Are federalism and pluralism conducive to freedom?

Throughout this essay there are two assumptions. These are that social pluralism leads to political federalism and that federalism engenders and protects freedom.

As to the relationship between pluralism and federalism, it must be noted that everybody assumes its existence, but no one has proven it. And there are anomalies. The U.S.S.R. purports to be a federal state, but basically rejects pluaralism except for some acceptance of ethnicity. The expectation that diverse African societies would turn to federalism has been negated by events, by military dictatorships in several instances. At any rate the assumption that pluralism is related to federalism is just that—an assumption.

More controversial is the equation of freedom and federalism. Many assumptions are made about that relationship. The little book by Nelson Rockefeller cited in the suggested readings makes a strong statement. Other writers, notably the distinguished political scientists William Riker and the late Franz Neumann, have undertaken more systematic studies and find no negative evidence on the question. The Nazis, for example, were deterred by federalism, if at all, for a matter of days. (Neumann's essay can be found in Krislov et al., cited in the bibliography.) However, "deterrence" here, as in crime generally, probably should be thought of as preventing attempts, because of complexity, rather than measured by what happens when a ripe opportunity presents itself.

Still the question is a troubling one. Would federalism and its inconveniences still be justified if it does not contribute to freedom?

Topic 4: Do courts follow or create attitudes? Should they do one or the other?

Traditionally law has been a conservative force reacting to changes in opinion when that opinion has jelled decisively. (Elazar's "three-fifths rule" is a good example. By the time thirty states have acted, a very strong majority would have been formed for a measure.) The Warren Court was in advance of public opinion when it declared segregation unconstitutional, perhaps the greatest judicial achievement in history. It was emboldened to try to set society right on a number of fronts. The Burger Court is both more conservative in its policies, and more cautious in its attempts to control decisions.

Should courts control policy in a democratic state? Can a democratic state exist if courts do not police, at the very least, the rules that establish the democratic orders.

In our system does the Supreme Court have to be the umpire for the federal system? Can Congress be the only boundary maker? Should it be the primary one?

Topic 5: Can courts enforce controversial and complex decisions?

Judicial activism and legislative hesitations have combined to bring federal courts into the forefront of social policy. This has had the effect of subordinating other institutions of government, particularly those of state government.

Aside from the weakening of other governmental institutions, the courts' day-to-day control over schools, prisons, and welfare agencies raise a number of questions. Courts may mandate expenditures but they don't have to raise taxes. They are relatively slow in their actions and may quickly fall behind events. They are not administrative agencies and often have no feel for the operating needs of an agency. As Donald Horowitz argues, they are better at determining what has happened, what has gone wrong rather than what will happen, how to set things right. Finally, involvement in day-to-day events, maximizes the individual judge's discretion and results in contradictory actions in different parts of the country.

The proliferation of such activities has occurred in almost every federal court district. Students might be encouraged to learn about federal court activity in their district and to assess its motivation and force, its achievements and its costs.

Suggested Readings

The *Federalist Papers* are available in many editions; an inexpensive one is available with an introduction by Garry Wills (N.Y.: Bantam, paperback, 1982). A.T. Mason's collection of Antifederalist writings, *The State's Rights Debate* (New York: Oxford University Press, paperback, 1972) is similarly convenient.

On the history of the Supreme Court and its influence generally, Robert McCloskey's *The American Supreme Court* (Chicago: Chicago University Press, paperback, 1960) remains the best short volume. Leonard White's *The States and the Nation* (Baton Rouge: Louisiana University Press, 1953) is a brief and lucid treatment of the federal pattern. For constitutional treatment, C. Herman Pritchett's *The American Constitutional System*, 5th ed. (New York: McGraw-Hill, paperback, 1981) is useful. The leading history is Alfred H. Kelly, Winifred A. Harbison, and Herman Belz, *The American Constitution*, 6th. ed. (New York: W.W. Norton, 1982), a source of valuable information.

For specific interpretations of specific provisions of the Constitution, Jack W. Peltason's *Understanding the Constitution*, 9th ed. (New York: Holt, Rinehart and Winston, 1983) and Daniel J. Elazar's *American Federalism: A View from the States*, 3rd ed. (New York: Harper and Row, paperback, 1984) are interpretative works of long standing and conveniently summarize scholarly findings on the subject. Nelson Rockefeller's *The Future of Federalism* (New York: Atheneum, paperback, 1963) remains a work of compactness and continued interest. Samuel Krislov, Raymond L. Lee, and James A. Burkhart, *The Clash of Issues*, 8th ed. (Englewood Cliffs, N.J.: Prentice-Hall, paperback, 1984) is a book of readings in American government, and like most such collections, has many extracts from works on federalism and on the Supreme Court. The classic collection, edited by Arthur MacMahon, *Federalism: Mature and Emergent* (New York: Macmillan, 1955) contains blockbuster essays that still impress.

The literature of judicial implementation is burgeoning. Still the best work is the volume that first assessed the phenomenon, Donald Horowitz's *Courts and Social Policy* (Washington, D.C.: Brookings, 1972). Richard Neely's *How Courts Govern America* (New Haven: Yale University Press, 1983) is a justification by a judge of court activism.

John A. Garraty, ed., *Quarrels That have Shaped the Constitution* (New York: Harper Torchbook, paperback, 1964) is a useful collection of case histories of leading constitutional decisions. Peter Irons, *The New Deal Lawyers* (Princeton, N.J.: Princeton University Press, 1982) contains useful short histories of the major New Deal cases.

4.

E Pluribus Unum: Pluralist Diversity and Federal Democracy in America

John Kincaid
North Texas State University

The United States is the most outstanding example of a pluralist society in world history. A nation of immigrants, a nation of nations, the United States embraces nearly every form of diversity known to mankind. Educators have come to accept this diversity as a positive feature of American society and, therefore, have introduced curriculum changes designed to explore and highlight the contributions of various groups to American life.

However, what is often overlooked by this cultural appreciation approach to diveristy are the meanings and importance of pluralism itself in American life, and especially the role of American federal democracy in supporting pluralism. Pluralism is not simply a social fact in the United States, a mere result of immigration and human diversity, but a political fact as well. It remains a vital political fact because pluralism is a built-in principle of American government. Consequently, we cannot fully understand pluralism in the United States without also understanding the framework of American government; nor can we fully understand the principles of American constitutionalism and the dynamics of American political life without coming to grips with pluralism.

Pluralism means the acceptance of human diversity as being legitimate and even necessary for the functioning of a good society. Pluralism emphasizes heterogeneity rather than homogeneity and places a premium upon the ability and willingness of humans to resolve the conflicts that arise from their differences by negotiation and agreement rather than by force or separation.

But pluralism can only exist within a frame of government friendly to it. In the United States, this frame of government can be referred to as a federal democracy. By itself, democracy is not necessarily friendly to pluralism because simple majority rule can suppress minorities. Recognizing this danger, the founders of the American republic created a system of federal democracy that relies upon consent by dispersed and extraordinary majorities, territorial divisions of power, mechanisms of separated and shared powers, and constitutionalized liberties designed to give many more groups and individuals opportunities to maintain their identities and express their interests. Thus, the United States is not governed so much by a simple majority as by pluralistic coalitions of minorities.

This essay, then, will explore ideas and manifestations of pluralism in America, show how that pluralism differs from ideas of homogeneity in Western thought, and examine the close relationship between pluralism and federal democracy. The ideas presented here should be of special interest to teachers of social studies, history, government, and civics.

Introduction

The basic American approach to human freedom and diversity is rather nicely stated on American coins. Those coins carry five inscriptions: a value denomination, the word *Liberty,* and the phrases *In God We Trust, United States of America,* and *E Pluribus Unum.* Together, the inscriptions signify a busy commercial republic compounded of many peoples who are united in their diversity by a common dedication to liberty, faith in a transcendent principle, and commitment to the federal union. Liberty sustains voluntary expressions of pluralist diversity which have existed as matters of fact in the United States; commerce rewards diversity while also providing a common meeting ground for all; trust in God signifies a common bond and equality among diverse peoples as well as a sheer hope that a pluralist republic can remain free and united; and federal democracy supplies the constitutional framework for maintaining both unity and diversity.

Few Americans probably notice these inscriptions anymore. Our age pays little attention to memorial inscription. In any event, coins have lost much of their real value to paper, plastic, and electronic money, not to mention inflation. Coins have also forfeited much of their symbolic value as forms of solid wealth and real pieces of America. The eclipse of the coin has evoked little regret, however, because coins are a nuisance. Whether collectors will ever trade old credit cards, much as they do buffalo nickels, remains to be seen, though in a democratic polity, one can expect almost anything to be invested with value by some group.

But more crucial is whether an eagerness for wealth, convenience, and efficiency will also eclipse, or make museum pieces of, those values inscribed on American coins, much like the Indian and buffalo on older coins. Will Americans someday look upon liberty, God, the federalism of *these* United States (to use an old grammatical form), and the pluralistic unity of *E Pluribus Unum* as museum relics, full of sentiment perhaps, but irrelevant to the "real world" of high technology, efficient planning, global management, and lunar outposts? This is not a question of "1984," as George Orwell portrayed it,[1] but of simple human desires for comfort, leisure, a bit of excitement, and an efficient path of least resistance through life.

Certainly there are many predictors and promoters of a sea change in American life, especially among pop commentators of the *Future Shock* variety.[2] Yet, when theologians welcome the "death of God" and herald a new secular man "come of age,"[3] the average lay person must experience a quandary. According to public opinion polls, Americans still hold general, traditional beliefs in God or universal spirit to a greater extent than any other people, except the inhabitants of India and perhaps the Poles; yet many American clergy seem to have redefined themselves as social workers and counseling psychologists, covered by malpractice insurance in some cases, and the majority of people who attend religious services do so primarily for social reasons.

Liberty too, it is said by some, may have to give way to the superior necessities of planning and managing our Spaceship Earth. However appropriate that metaphor for defenders of the environment, the political implications of governing the earth like a spaceship are of a drastically different order for human beings. Indeed, much of the current thinking on ecology expesses strong reservations, not only about the utility, but also the morality, of liberty and democracy for an environmentally sound world.[4]

Liberty seems to be under assault in other areas as well. Even though the period since World War II has been characterized as one of expanding liberties,[5] there appears, nevertheless, to be an underlying uneasiness about the status of liberty among many Americans, as though freedom were expanding in private, trivial ways while contracting in publicly important ways. Administrative red tape, crime, social complexity, and corporate giantism, for example, often seem to restrict the effective scope of individual liberty. One is free to speak, write, pray, petition, and assemble a group of protestors—except perhaps at work where one's liberties are more curtailed—but unless the proper forms are executed and channels cleared, those freedoms may have little more than symbolic and therapeutic value.

Federal democracy has also been assailed in recent decades. Even while federalist arrangements flourish and continue to be tried throughout the world,[6] federalism has been criticized in many circles as obsolete, outmoded, inefficient, ineffective, fragmented, and inegalitarian, among other things.[7] Instead, centralization, consolidation, unification, integration, modernization, and rational administration have become some of the leading buzz words in government and political science. Having New Federalisms proposed by two presidents, Richard M. Nixon and Ronald Regan, whom many regard as conservative and uncaring about the poor, minorities, and women, has not improved the image of federalism either, especially since states' rights segregationists had already given federalism a black eye during the 1960s.

Despite the rise of the so-called unmeltable ethnics of America during the 1970s,[8] pluralism has been under siege as well, at least by many intellectuals. However, the facts of life that animate pluralism have refused to go away. The Enlightenment tradition, which has been important in America, has generally regarded pluralism as a philosophy of irrational prejudices and parochial interests blocking the way to a rational, scientific civilization. The emergence of mass society with mass communications, mass consumerism, and so on is also said to have made pluralism irrelevant for our "global village."[9] Until recently, virtually all theories of modernization and secularization predicted a decline of pluralistic group differences. As President Sekou Touré of Guinea write in the Enlightenment vein shortly after his country gained independence in 1958, "In three or four years, no one will remember the tribal, ethnic or religious rivalries which, in the recent past, caused so much damage to our country and its population."[10]

But many people have remembered, and the outcomes, therefore, have been very different. Ethnic, racial, religious, national, ideologial, and associational expressions of diversity have intensified in many ways since World War II, partly because of modernization and the nationalization of large territories and populations. Jawaharlal Nehru's dream of a unified culture and nation of Bharat Mata (Mother India)[11] has been interrupted by sharp conflict between Hindus and Moslems, among others. One can also think of conflicts between Catholics and Protestants in Northern Ireland, Ibos and others in Nigeria, whites and non-whites in South Africa, Solidarity and the government in Poland, ethnoreligious groups in Lebanon, and the breakdown of the long stable linguistic frontiers between Flemings and French-speaking Walloons in Belgium. There are also the expessions of Basques in Spain, Scots and Welsh in Great Britain, Bretons and Corsicans in France, French Quebecers in Canada, Catholics in Croatia, Macedonians in the Balkans, Jews in the Soviet Union, Kurds in Iraq, Bengalis in East Pakistan, Tamils in Sri Lanka, Chinese in Southeast Asia, Kayahs in Burma, Somalis in Ethiopia and Kenya, Arabs in the Sudan, and, of course, the many groups in the United States. Inabilities and, oftentimes, an unwillingness to accommodate these diversities have resulted in the deaths of perhaps as many as twenty million people in this century.[12]

Two plausible policy conclusions can be drawn from the above facts: (1) modernization policies should suppress human differences for the sake of civil peace and a better life or (2) modernization policies should accommodate and moderate human differences for the sake of civil peace and a better life. Given the often tragic outcomes and general failures of most governmental efforts to suppress human diversity, however, the second conclusion seems preferable.

The Pluralist Constitution of America

In the main, the United States has chosen the second course at home, though not always in its foreign policy. Whether the eclipse of the American coin is a metaphor for larger changes that will divert the United States from a pluralist course remains to be seen; but it is worth considering that the inscriptions on American coins nicely summarize the key historic elements of what can be regarded as the "constitution" of the American republic. Understanding that "constitution" is essential if citizens are to make informed choices about the future of the republic.

According to the ancient Greek philosopher, Aristotle, the real "constitution" of a polity consists of three frameworks: governmental, socioeconomic, and moral or ethical.[13] The inscription, *United States of America*, on U.S. coins identifies the nation as having a federalist frame of government, which is itself a pluralistic conception of governance. As Chief Justice Salmon P. Chase put it in 1869, the United States Constitution, "in all its provisions, looks to an indestructable Union, composed of indestructable States."[14] The federal union embodies the seeming paradox of the one and the many, of unity and diversity, existing at the same time.

The motto *E Pluribus Unum* may be said to identify the socioeconomic framework of the American constitution, namely, the raw material of the United States as a nation of immigrants and of diverse peoples, cultures, religions, sections, and associations. The Latin inscription means "one out of many." This does not necessarily mean that many things dissolve into or produce one thing, but rather that one thing is constituted or compounded by many things.

The value denomination on coins reflects the moral framework of America as much as it does the socioeconomic framework because the United States was designed in part as a commercial as well as a federal republic. Many founders of the 1780s saw commerce as more than an economic necessity and means of modernization. They also saw commerce as a means of accommodating differences (1) by channeling diverse passions in beneficial directions through expression of self-interest in the marketplace, (2) by creating a voluntary organizing principle that would appeal to most people's needs and interests and, therefore, allow them to unite despite their differences, and (3) by keeping people busy with largely private pursuits and, thereby, away from bread lines and barricades.

Whatever their differences, for example, Catholics, Protestants, Jews, and others can find some common ground in the marketplace. It is perhaps better that people compete economically first and politically second, so as to avoid competing militarily. Furthermore, by making buyers and sellers of nearly everyone, commerce can dull the sharp edges of group differences if everyone has an opportunity to participate. This is one reason why some group leaders, such as religious leaders, criticize the commercialization of American society. Commercial pursuits frequently erode the allegiance of group members. Others criticize the standards of justice elevated by commercial values, which sometimes conflict with ideas of justice that Americans associated with religion and agrarian communitarianism.

Many of the American founders also saw commerce as a low but reliable foundation for civic virtue insofar as the self-interest of each person or group in securing fair treatment in commercial markets can also protect the rights of all. Of course, the commercial plan has not worked perfectly, or even well according to some, and Americans have made many adjustments over the years to try to improve it; but, at the same time, the very process of commerce as well as the abundance produced by it have done much to keep this continental nation together as an *E Pluribus Unum*. None of the founders, however, regarded commerce as self-sufficient. It had to be linked and subordinated to constitutionalism and the voting booth—two other common meeting grounds for Americans.

The *Liberty* inscription identifies the principal element in the moral framework of the American republic. Liberty, however, is a two-edged sword when it comes to pluralism. On the one hand, it supports and encourages group differences; on the other, it encourages individuals to leave groups and to migrate between them.

The inscription *In God We Trust* on American coins and currency identifies more than an element of hyprocrisy in American life. It identifies another common ground. As Justice William O. Douglas observed in 1952, "we are a religious people whose institutions presume a Supreme Being."[15] This kind of diffuse religiosity has served at least four purposes in the history of American pluralism.

First, it has formed a basis for transcending particular differences by fixing attention on a higher principle presumably common to all people regardless of their denominational preferences. President Dwight D. Eisenhower stated this notion so baldly as to make it sound almost silly: "our form of government has no sense unless it is founded in a deeply felt religious faith, and I don't care what it is."[16] Yet, the idea, for example, of the "triple melting pot" of Protestants, Catholics, and Jews expresses the way in which the leading American religious groups have been brought into a common consensual fold.[17] At the same time, being Protestant, Catholic, or Jewish is a way of locating oneself in American society.

Second, trust in God serves as a reminder of human equality. As the Declaration of Independence states, "all men are created equal." Although Americans have fought over the meaning and practice of equality, conflict and hypocrisy do not negate the vailidity or importance of the principle, especially the idea that people can be equal and different at the same time.

Many Americans, including many of the founders, have also regarded religion as necessary for private and public virtue. Commerce and constitutionalism have not usually been regarded as sufficient guarantors of virtue without the added support of religious sentiment. Except for those periods when some Protestants believed that Mormons, Roman Catholics, and Eastern European Jews could not be good democrats, the cultivation of civic virtue has not so much been a matter of any particular denominational belief, but of the so-called Judeo-Christian religious tradition generally. As Benjamin Rush remarked in the 1780s, "A Christian cannot fail of being a republican."[18] Historically, of course, this is not true, and Rush omitted Jews. But what is important is the degree to which American Christians came to believe it. No doubt, with the increased migration of Muslims, Hindus, Buddhists, and others into the United States, those groups will also be brought into the fold of American religiosity.

A fourth purpose served by religion has been to impart religious qualities to the nation and its political institutions. Many Americans have viewed the U.S. Constitution as an almost sacred document or civil bible. As a result, there developed in the United States a civil religion which helped to unite diverse peoples without requiring them, in most cases, to give up their particular religious beliefs.[19] The objects of the American civil religion are quite specific, while the content of that religion is sufficiently diffuse to sustain varying interpretations.

In sum, the American coin says quite a bit about the American republic, and can serve as a useful starting point for discussions of the American system. The inscriptions on coins represent basic elements of the American "constitution" about which there remains a high degree of consensus. According to public opinion polls at least, overwhelming majorities of Americans still believe in liberty, free enterprise, God, democracy, the Constitution, and diversity or pluralism—even while they disagree about the specifics and particulars of these constitutional elements. An important issue for contemporary Americans, however, is whether the attention given to particulars in an ever more complex society will inadvertently obscure or transform those consensual elements of the constitution, for better or worse.

Pluralism in Western Political Thought

Questions of pluralism arise whenever human beings need to live together, either in the same space or in adjacent spaces. Insofar as the entire world is becoming a global village, questions of pluralism are reaching a scope and importance unprecedented in history.

Politically, humans have addressed the challenges of pluralism in essentially three ways: conquest, organic-like unity, and compactual union.[20] Conquest is an effort to subjugate the effects of diversity, though not always to eliminate diversity. A conqueror may allow different racial, ethnic, and religious groups to exist within an empire so long as they pledge the proper allegiance and pay the required tribute. Organic-like unity represents efforts to eliminate pluralism by assimilating or combining diversity into a single family-like group, whether that be the merger of tribes or nations by actual marriages or the unification of humankind into a global family. Compactual union represents efforts to incorporate and accommodate pluralism within a common political framework by negotiated agreements that maintain diversity.

When Alexander the Great hosted a huge banquet in 324 B.C. to quell an incipient mutiny and reconcile conflicts between the Macedonians, Persians, and others within his empire, he spoke of a need for a "partnership in government."[21] This was an unusual statement for that period (as well as a short-lived policy) because an empire rests on conquest, not voluntary cooperation. Any partnership after the fact of conquest would have to resemble co-optation and collaboration. The peoples represented at the banquet did not interpret political life as a partnership. They understood conquest and expedient alliances, but not pluralistic partnerships of diverse peoples within a common polity. Moreover, they understood the political life of their own peoples to be organic. Not *partner,* but such words as *blood, family, tribe,* and *brother* described political relationships. Hence, Alexander's empire, like other empires, collapsed rather quickly, while some of the peoples represented at Alexander's banquet still retain their identities today.

However, the idea of the unity of humankind as a single family has endured as a major ideal in Western political thought. The most favored idea of civil unity has been the organic one, as reflected in such phrases as the "family of man" and "brotherhood of man." Conquest has been rejected as a legitimate mode of unification by nearly all political philosophers, while pluralist partnership modes of unity have been demoted to second-class status on the ground that pluralism is precisely that which must be overcome to achieve true unity. As Robert Nisbet has suggested:

> It is the fate of pluralism that at no time in the history of Western philosophy has it ever seriously rivaled other forms of community in general appeal. The basic reason is not far to seek. As against the claims of unity, those of diversity and plurality must often seem an invitation to disorder, even anarchy. And the quest for the One is very old and sacred in the history of religion and philosophy alike. It is not easy, in short, to make the values of

pluralism, diversity, localism, and the dispersion of power compete successfully with those of the philosophies of Plato, Augustine, Rousseau, and Marx.[22]

Plato's quest for unity and the ideal is well known. The powerful precedent set by Plato encouraged many subsequent thinkers to view the best civil society in terms of unity, hierarchy, centralization, and indivisible sovereignty—even though most political philosophers have had to acknowledge a certain level of violence entailed in achieving organic-like unity. The first act in building the ideal polity, according to Plato, is to expel everyone over the age of ten except, of course, the philosopher kings. Plato pulled back from this position and settled for a much less perfect, though more just, civil society; but some other philosophers have not pulled back. Indeed, the writings of such modern thinkers as Machiavelli, Bodin, Hobbes, Rousseau, Marx, and Nietzsche are full, not only of violence, but of a conviction that their ideas can and ought to be realized in history.

Even philosophers, such as Machiavelli and Montesquieu, who have recognized and examined human diversity have tended to recommend against the inclusion of all but the most unavoidable diversities within a civil society. Instead of finding ways to incorporate and accommodate diversity as a useful attribute of civil society, they have sought to confine or redefine it along the narrowest of lines.

To some extent, this fear of pluralism is reasonable insofar as humans have generally been more successful in killing each other over their differences than in settling their differences nonviolently. Machiavelli and Marx, for example, suggest that a little judicious killing now by a prince or party is well worth the price to create the good society that will end all killing tomorrow. One problem with these theories is that diversity has a habit of going underground and of reapearing and recreating itself.

Theories of organic-like unity are based on a questionable premise that humans are, or can be, individuals pure and simple, and therefore, able to identify with humanity as a whole rather than subgroups. This idea begins with Plato, who portrays Socrates, the teacher in Plato's dialogues, as a "loner" largely divorced from his environment. Socrates neglects his family, has no occupation, belongs to no class, is indifferent about sexuality, refuses to be patriotic, believes in no religion, never gets sick, and is capable of maintaining a trance-like state for days, oblivious to needs for food, clothing, and shelter. As Aristotle remarked, such an individual must be either a beast or god.

Much of modern political theory treats everyone as a kind of Socrates. In the social compactual teachings of John Locke, for example, which influenced many of the American founders, the compact of civil society is said to be formed by rational individuals simply, as though individuals were not also parents, siblings, children, laborers, consumers, worshipers, citizens, hobbyists, and so on. Rousseau and Marx go so far as to say that persons would be forced to be free of such "partial" identities so as to have no other interests than those of individual *homo sapiens* pure and simple, possessing what Marx called "species consciousness."

In short, theories that construe political life as an organic-like unity depend on a severe abstraction of persons from their familial and social environments. It is as though individuals are born utterly free and remain free of any affective emotional ties except, perhaps, to the State or the abstract community of humankind. How such individuals can affiliate in the first place is a problem; but in line with Aristotle's observation that such individuals must be either beasts or gods, it is no accident that many modern political thinkers conceive of humans as nothing more than intelligent beasts who happen to occupy the top of the food chain. Such theorists tend to admit pluralist or "federative" principles, in the words of Locke, only in international relations where most thinkers, except Marx, have been skeptical about the possibility of achieving organic-like unity on a global scale.

Pluralist theories of political life accept differences, though not all differences, as legitimate and seek to unite humans without destroying their different identities. As a philosophy, pluralism stems from the diversity of the universe itself, the independent constituents of which are ordered by various connections.[23] In this respect, there is no one model or Platonic Ideal of a human being from which all real individuals happen to deviate in some way. Instead, to put it in biological terms, the human species is a population of discontinuous individuals who, on the average, share certain statistical properties. Every individual is unique and is only statistically similar to other individuals. In turn, the needs and desires of human beings motivate them to come together in various kinds of groups of different sizes for different purposes. Modern biology, at least, has come to accept this diversity as not only legitimate but also necessary for the functioning of life. For one thing, diversity increases a species' survival chances.

Pluralist theories build upon this diversity by accepting people essentially as they are, namely, as persons who are embedded in historic sociocultural networks and for whom being "human" and having an identity are inseparable from belonging to such networks. Again, Aristotle seems to have been the more insightful thinker when he observed that humans are political (or social) animals by nature who come together not merely to live but to live well. An independent polity is the association that provides for the best life, according to Aristotle, but not by itself. Membership in constituent associations, especially families, is equally important and essential for enriching the good life. Hence, an utterly free-standing individual is not only hard to visualize but also difficult to regard as "human."

This pluralist view is not incompatible with freedom and individualism so long as there is ample choice about one's affiliations and so long as those affiliations serve to enhance life and give expression to one's individuality. Indeed, individualism has little meaning apart from a social context, even if only because individualists usually need others to recognize them as such. Diversity provides multiple arenas for identity development and gives more individuals the opportunity to be big fish in little ponds.

Consequently, pluralist theories of political life look to accommodations and moderations of human differences through negotiated agreements among diverse groups before and/or after union. Pluralism implies a voluntary "partnership in government" in which diversity is viewed as legitimate and even beneficial. Pluralists usually regard diversity as a means of enriching society and promoting greater dynamism and creativity. Pluralism also implies equality within diversity whereby individuals are treated as equals regardless of their affiliations, or groups themselves are given equal, or nearly equal, status. As such, pluralism implies some form of democracy where individuals and groups participate in making decisions that protect themselves and shape their shared civic life. In these respects, pluralism is not exactly the same as diversity. By virtue of circumstances, every modern civil society contains diversity; but not every society accepts diversity or regards it as desirable.

Sources of Pluralist Thought

In Western philosophy, Aristotle was the first theorist of political pluralism. A polity that strives for too much unity, he wrote, becomes inferior, "like harmony passing into unison, or rhythm which has been reduced to a single foot."[24] Instead, a good polity "is a plurality, which should be united and made into a community by education."[25] From a modern perspective, however, there are several limitations to Aristotle's pluralism. For one, he accepted slavery. His view of non-Greeks as barbarians also limited the scope of his pluralism, ruling out the idea of a nation of immigrants. As a result, his teachings were limited to a pluralism of households, occupations, and classes. Aristotle's ideas did contribute to ancient and medieval notions of mixed governments and balanced civil societies in which different groups or "estates" (e.g., nobles, clergy, and commons) were admitted to shares of governance; but this pluralism was decidely hierarchic, limited in scope, and resistant to mobility between estates.

Not until the early modern era did a major secular political thinker, Johannes Althusius (1557-1638), formulate a systematic theory of a pluralist commonwealth. Althusius saw civil society as being a voluntary consociation of voluntary associations that includes families, neighborhoods, traditional communities, parishes, guilds, corporations, churches, cities, and provinces. These diverse associations come together in civil society, according to Althusius, "by explicit or tacit agreement" and "communicate among themselves whatever is appropriate for a comfortable life of soul and body. In other words, they are participants or partners in a common life."[26]

Althusius is most well known for being a forerunning theorist of modern federalism. He regarded a commonwealth as

> many cities, provinces, and regions agreeing among themselves on a single body constituted by mutual union and communication. . . .
>
> The bond of this body and association is consensus, together with trust extended and accepted among the members of the commonwealth. The bond is . . . a tacit or expressed promise to communicate things, mutual services, aid, counsel, and the same common laws . . . to the extent that the utility and necessity of universal social life in a realm shall require. . . . However, this does not prevent separate provinces of the same realm from using different special laws.[27]

Althusius deemed federal principles to be appropriate and proper for all human relationships, including marriage, which he treated as a voluntary covenantal agreement to establish a family. In turn, families may federate into communities, artisans into guilds, cities into provinces, and so on.

Despite this defense of pluralism and federalism by Althusius, pluralism remained on a lower tier in Western political thought where, at various times, such thinkers as Montesquieu, Lord Acton, Otto von Gierke, Abraham Kuyper, and Otto Bauer rallied to counter the claims put forth by Rousseau, Hegel, Marx, and others. Pluralism was also challenged by the rise of modern nationalism, which generally emphasized consolidation, assimilation, and centralization as being essential for building a strong state. Pluralists regarded this kind of nationalism as a threat, not only to diversity, but also to freedom and civilization itself. As Lord Acton observed in 1862:

> Liberty provokes diversity, and diversity preserves liberty by supplying the means of organisation. . . . The coexistence of several nations under the same State is a test, as well as the best security of its freedom. It is also one of the chief instruments of civilisation.[28]

Pluralism fared poorly in the early modern era for both practical and theoretical reasons. Practically speaking, age-old conflicts and bloodletting between different ethnic, linguistic, class, and religious groups led many European nationalists to emphasize assimilation, consolidation, and suppression of diversity. Furthermore, those groups that were able to occupy the new centers of national power and wealth were not eager to share their prerogatives with others. Nationalism, however, did not reduce bloodletting; it elevated it to a level of grand carnage that peaked, for the last time hopefully, in World War II. Nationalism did help to consolidate diverse groups into the modern nations of Europe, though pluralist strategies might have worked as well; but the reappearance of assertive ethnic, linguistic, and religious diversities since 1945, along with mechanical problems of too great a centralization of power, have led a number of European nations to experiment with decentralization, devolution, and deconcentration.

Theoretically, pluralism is not neat, and often seems paradoxical in its emphasis on unity and diversity. The teachings of most non-pluralist thinkers generally come in neat packages reminiscent of Plato's *Republic*, where all pieces are nicely integrated in a seemingly logical fashion. Little, if anything, is left to chance, and there is little ambiguity. Since human reason has only a limited tolerance for the uncertainties of chance and ambiguity, the tendency, when people think about it, is to prefer neat packages. Pluralism necessarily contains elements of chance and ambiguity, in part because it is difficult to say in advance exactly how intergroup accommodations will be worked out, or even what groups may have to be accommodated at any point in time. Pluralist polities can work very well, in part, because most citizens do not live life on a theoretical plane where ambiguities are bothersome; but in the tradition of formal Western political thought, pluralist theories have been viewed as second rate because they lack the seeming structure and systematics desired by philosophers.

This point is important because pluralism is more of a process of governance. Organic-like theories of political life emphasize structures and systems. Pluralist theories emphasize processes and negotiations. Structure can be laid out in advance, even with aesthetic grace; but pluralism is like buying a child's toy that needs to be assembled. Following the steps in the instructions is often a matter of trial and error, and the end result is not always quite like the model. In a pluralist polity, continual negotiation tends to be more important than structure, though constitutionally structured and agreed upon processes are likely to be essential to successful negotiations. A negotiated polity is not pleasing to the theorist who is inclined to resolve all issues in advance; but it may be pleasing to particular groups who would rather resolve issues themselves.

There is, however, another stream of pluralism in Western thought, which is associated with the Bible. Central to biblical teachings is the idea of covenant or, in other words, partnership. Covenant signifies a voluntary partnership, often meant to be perpetual (or "until death do us part"), between peoples or parties having independent, though not necessarily equal, status, that provides for joint action or obligation to achieve defined ends (limited or comprehensive) under conditions of mutual respect that protect the individual integrities of all the partners.[29] Theologically, covenant embodies the idea of basing relationships between God and humanity upon morally sustained compacts of mutual promise and obligation. Politically, covenant expresses the idea that people can freely create communities and civil societies through such compacts, whether religious or secular. Like Althusius, a Calvinist who derived many of his political ideas from the Bible in the first place, the Bible construes virtually all proper relationships as being covenantal even, in its more poetic moments, relations among the sun, the moon, the stars, and the earth.

In this respect, the Bible stands as the first pluralist political teaching in Western history. Although earlier civilizations had used covenant-like devices for treaty purposes, only in the Bible was covenant first enunciated as a general theoretical political principle and then operationalized in ancient Israel itself, as in the confederation of the tribes of Israel. The model of such covenants is found in Joshua 24 where Joshua assembled the representatives of the twelve tribes of Israel near Shechem to renew before God the covenant of Moses and reestablish the Israelite confederacy on a landed basis. When the confederal polity collapsed under external military pressure, Israel created a limited constitutional monarchy bounded by the covenant idea and periodically reaffirmed through specific covenants between kings, the people, and God. The last biblical civil covenant is described in Nehemiah 8-10 where, at Ezra's initiative, the people assembled on Succoth to hear the Torah and assent to its authority.[30]

Like pluralist thought generally, the pluralist dimensions of covenant were eclipsed for nearly two millennia by subsequent religious and political developments. For one, as Christianity institutionalized itself in the Greco-Roman world, it devalued the idea of covenant as pluralism by trying to embrace everyone within a common, universal religious covenant in which, according to St. Paul, there would be "neither Jew nor Greek."[31] As a practical matter, this did not work. Even where different groups accepted Christianity, they retained much of their original cultural and linguistic identities, as is still evident today. Second, when the church assumed the reins of the Roman Empire and adapted Greek ideas, especially Platonic teachings, to its own theology, church leaders embraced organic-like theories of political life. Although the idea of the church as a diversified congregation occasionally reared its head, pluralism was effectively removed from the agendas of theology and politics.

Beginning in the sixteenth century, however, the covenant idea was revived as a revolutionary device, primarily by reformed Protestants in Switzerland, parts of Germany, Puritan England, Presbyterian Scotland, the Dutch provinces, and Huguenot France. The Reformation itself raised issues of pluralism to a new level of intensity as proliferating religious diversity sparked numerous conflicts. Where conflict was not settled by conquest, it was gradually settled by the acceptance of toleration or by the creation of a kind of territorial pluralism in which each faith occupied its own territory.

At the same time, reformed Protestants redefined all human relationships as being covenantal. Marriage was redefined as a covenant rather than sacrament; individual congregations were formed by covenants among believers; and multiple congregations were federated in a presbyterian fashion. Soon, these ideas were extended to the political realm where cities, provinces, and nations were redefined as covenanted civil associations. In the main, these ideas were republican insofar as they were hostile to monarchy and regarded civil society as a public thing rather than royal property.

Althusius was the first to articulate these ideas into a full-fledged secular political theory. Subsequently, covenant ideas were employed and secularized by Hobbes, Locke, Montesquieu, Rousseau, and others. However, except for Althusius and, to some extent, Montesquieu, these theorists did not exploit the pluralist dimensions of covenant. Instead, they took it in a unitary direction after the fashion of Hobbes. As a result, although John Locke is often credited with having had a profound influence on the founders of the United States, the American political system actually bears little resemblance to Locke's unitary parliamentary plan.[32]

On the contrary, the American federal system looks much more like the plan proposed by Althusius, even though few, if any, of the framers of the United States Constitution seem to have known of Althusius. What, then, accounts for the similarity? Put simply, Althusius was a reformed Protestant, and so were over half of the members of the Constitutional Convention of 1787 and a majority of the residents of the thirteen states. This is not to say that they were all fervent churchgoers, they were not. But they were reared and educated in the reformed Protestant tradition which, in America, had a strong influence on even the more ecclesiastically minded Episcopalians. This is one reason why, in the nineteenth century, the United States Constitution was often referred to as a presbyterian document.

Thus, it was left to the Americans to be the first people of the modern era to exploit the pluralist dimension of covenant in building a new nation and shaping it along federalist lines. The links become even stronger if one considers the origin of the word *federal*. It comes from the Latin *foedus*, meaning *covenant*.

Varieties of American Pluralism

The first political ideas systematically enunciated in North America were those of the Puritans, as derived from their system of covenant or federal theology. The first constitution-like document within this tradition was the Mayflower Compact of 1620—executed thirty-one years before the publication of Hobbes' *Leviathan* and seventy years before Locke's *Two Treatises of Government*. In other words, Americans were already covenanting and compacting with each other for family, religious, business, and political purposes before the great European philosophers articulated their social compactual theories, which are said to have had such an influence on the American founders.[33] It seems more proper to say that Locke's teachings were popular in America because they found a receptive soil here and gave a philosophic expression to what Americans were already doing. Consequently, the idea of a social compact is not a myth or fiction in the United States as it is in European thought. As the preamble to the Massachusetts Constitution of 1780 states:

> The body-politic is formed by a voluntary association of individuals: It is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good.

The Massachusetts Constitution is the oldest written constitution still in force in the modern world.

The Puritans are not usually thought of as tolerant pluralists. After all, they burned alleged witches and expelled dissidents from their communities. Yet the Puritans did help to lay the foundations for American pluralism in four ways. First, their belief in personal faith and covenanting dissolved the organic-like ties of dependence which had previously bound individuals to groups. This reduced the importance of groups as *a priori* entities and elevated the importance of individuals. That is, groups do not impart interests to members; constituents impart interests to groups.[34] In principle, moreover, anyone could join a Puritan congregation or polity so long as he or she subscribed to the terms of the covenant (which tended to become ever more lax over the years).

Second, the Puritan theological idea of "temporal callings" legitimated the pursuit of economic interests, which eventually undermined Puritanism itself and pluralized Puritan communities to ever greater degrees. Third, Puritanism contributed a moralistic tone to Ameircan political life, which sometimes reacted in fear of diversity but, at other times, championed pluralism. New England Yankees, for example, contributed greatly to the anti-slavery movement. Fourth, Puritanism established a territorial form of pluralism in the United States.

Territorial Pluralism

Basically, there are two manifestations of pluralism in the United States: territorial and universalistic. Territorial pluralism is similar to the "one faith, one territory" idea that developed in Europe during the Reformation. This kind of pluralism emphasizes the idea of different groups occupying separate territorial jurisdications over which they are at liberty to exercise varying degrees of control and authority. Groups coexist by living apart, each within its own territorial jurisdiction, and then negotiating civil arrangements for resolving common problems and pursuing common goals, which may be limited or comprehensive. Universalistic pluralism, which developed along with the idea of toleration near the end of the Reformation, emphasizes the idea of different groups occupying the same territorial jurisdiction within which they are at liberty to maintain separate identities and to pursue their interests in cooperation and competition with other proximate groups. Groups coexist by living together within the same jurisdictional space and then negotiating civil arrangements for resolving common problems and pursuing common goals, which may be limited or comprehensive.

The United States combines both forms of pluralism. As a union of diverse peoples and territories, the nation as a whole is dedicated to universalistic pluralism. All groups occupy a single territorial jurisdiction, namely, the United States of America, within which they are constitutionally at liberty to maintain separate identities and pursue interests in cooperation and competition with each other. However, the federal nature of the union, combined with historic patterns of settlement, has allowed many groups to occupy, and exercise varying degrees of control over, particular territorial jurisdications, such as states, local governments, or simply neighborhoods. Indeed, the ability to exercise limited authority over a particular territorial jurisdiction is one way in which many groups seek to maintain their identities.

The territorial pattern was established in North America by the Puritans, among others, who came to build holy commonwealths, not pluralist settlements. While each community tended to be exclusive and intolerant of religious diversity within itself, dissident members of a community were usually free, or were sometimes compelled, to go out into the wilderness to establish their own communities according to their own beliefs. A major force behind the settlement of greater New England was the splitting off of individuals, families, and groups from existing communities. Pluralism in this respect is expressed as a multiplicity of communities dispersed about the land, each enjoying degrees of freedom to cultivate its own beliefs, principles, and ways of life. Eventually, as was the case with the Puritans, these separate communities may federate into larger political associations, namely, states, and the states into a continental union, without necessarily giving up their identities or local prerogatives as distinctive communities or sovereign states. (See Robert Salisbury's contribution to this collection.)

This kind of territorial pluralism remains important, not only for religious groups, such as the Mormons and Amish, but also for secular communitarianss who seek places of their own to practice their beliefs as well as middle-class families who wish to live with similar families, senior citizens who wish to live with other senior citizens in retirement villages, blacks and others who wish to control their own communities, ethnics who like to live with fellow ethnics, gays who wish to collect in urban havens, and so on. The expansiveness of the American land has given a particular impetus to this kind of pluralism.

None of these territorial expressions of pluralism necessarily implies hated or intolerance for others, though they sometimes do. Instead, they often reflect a desire simply to live and share with familiar, like-minded people while letting others do the same. Territorial pluralism may also help to reduce intergroup conflict by allowing individuals and groups greater freedom to live according to their preferences without having to compromise those preferences out of politeness to others or to maintain those preferences by imposing them on others.

One of the most insistent cries for territorial pluralism today is from American Indians who already occupy semi-sovereign lands but who, for tragically obvious reasons, have not been able to exercise that residue of sovereignty effectively. Historically, policies toward the Indians have been an important exception to the covenantal pattern of American civil society. Although, during the seventeenth century, there were various efforts in the Northeast to accommodate Indian and European interests on equal footings through such devices as "covenant chains," most Indians found themselves being objects of conquest. The bloodletting has ended and Indian culture has even become a fad for some non-Indians; but many Indians (or Native Americans) regard the retention of land and the exercise of substantial authority over that land as being essential for the survival of their peoples. Even for those Indians who live in the larger society, the preservation of ancestral land can serve as an anchor against total assimilation and as a place to which to return periodically to renew family ties and refresh cultural memories.

The dark side of territorial pluralism is involuntary segregation, whereby certain groups are compelled by law, social attitudes, or economics to live in certain places. The most conspicuous and persistent example has been the segregation of black Americans, though it has applied to other groups as well. It is this kind of coerced territorial "pluralism" that has been under sustained attack from governmental and political forces since World War II. The results have been mixed so far because social attitudes and economic conditions have been more difficult to change than laws.

There is also a gray area of territorial pluralism, namely, the right of like-minded people to govern a place as they see fit versus the right of different people to occupy that same place without necessarily being subject to majoritarian preferences. Do dry Baptists have a right to outlaw the sale of alcoholic beverages in a town? Do retirement communities have a right to keep out children? Sometimes it is simply a question of sheer numbers of people. This issue is arising with increasing frequency in small towns and resort areas where current residents wish to limit the number of new residents so as to preserve their community's ambience and amenities. In a nation which, as a whole, is dedicated to universalistic pluralism and where mobility is a fundamental right as well as a major social fact, there are no easy answers to these questions, and courts and legislatures have formulated mixed responses on a case-by-case basis. (See Samuel Krislov's contribution to this collection.)

If territorial pluralism can arise from like-minded people settling particular places, it can also arise from diverse peoples settling a particular place. They may not arrive with the same interests; but they may develop the same interests by virtue of territorial circumstances. This kind of territorial pluralism contributes and gives rise to regionalism and sectionalism in which large numbers of people recognize common interests and sometimes affections because of circumstances of geography, history, economics, and shared amenities or adversities. A bumper sticker popular in one section reads: "American by birth, Southern by the grace of God." Of course, the extraordinary sectional conflict in American history was the Civil War.

Sectionalism was a major factor in American politics during the nineteenth century, reinforced as well by literary embellishments and by the tendency of various sections to affiliate with a particular party, such as the Democratic Party in the South. By the mid-twentieth century, the force of sectionalism seemed to be waning; but sectionalism has since reasserted itself as a result of the civil rights revolution, migration, new economic conditions, energy problems, and federal government funding formulas. Although the phrase "Sunbelt versus Frostbelt" has been applied to this new sectionalism, the dichotomy is too gross a simplification because it hides significant differences within those areas. Neither the Sunbelt nor the Frostbelt is identifiable as a single section. Regionalism has also taken on new life, mainly because of the need for cooperative intergovernmental action to deal with area wide problems, such as trade, pollution, transportation, and economic development, that cut across state and local boundaries.[35]

In the United States, territorial pluralism is, of course, reinforced by the federal system of fifty states and nearly 80,000 local governments. Even if there were none of the above expressions of territorial pluralism, the federal system itself would pluralize American civil society by virtue of the diverse interests of different states and localities. As it stands, the federal system provides constitutional, legal, and political mechanisms for expressions of limited territorial pluralism without, at the same time, sanctioning the kind of closed, exclusive territorial pluralism characteristic of the early Puritan communities that would sharply segment and segregate American society. To a degree, by dispersing power such that no state or locality can be wholly self-sufficient and insular, the federal system compels interterritorial cooperation.

Universalistic Pluralism

Although most varieties of pluralism in the United States have some territorial dimension, most contemporary Americans have become familiar with pluralism as a tolerance for diversity within and across space. That is, unlike the Puritan pattern, diverse groups may amicably occupy the same jurisdictional space. Historically, this type of pluralism is associated with the Middle States, especially Pennsylvania, New York, and New Jersey.[36] To an extent, these states illustrate the three principal ways in which universalistic pluralism came to be accepted in America.

To return to Aristotle's threefold conception of a "constitution," the acceptance of pluralism may be based upon governmental action, socioeconomic necessities, and/or cultural attitudes. Philadelphia, Pennsylvania, represented the introduction of pluralism by a cultural orientation reinforced by law. That commonwealth was founded with an explicit commitment to toleration. Unlike most of the Puritans, William Penn welcomed different ethnic and religious groups into his colony. New Amsterdam (later, New York City) was founded as a commercial venture by the Dutch West Indies Company with no commitment to pluralism. However, when exclusionary policies became unprofitable, investors insisted on greater openness and tolerance.[37] New Jersey was a divided state from the first and was, for example, the only state to split its electoral vote in 1860 (4-3 between Abraham Lincoln and Stephen A. Douglas). Even though the state is geographically small, south Jersey lies below the Mason-Dixon line, while north Jersey extends into New England's orbit. Today, New Jersey is also one of the nation's most ethnically diverse states. As a result, accommodations of group interests and the development of a more universalistic pluralism required a good deal of governmental action, coupled with market forces and gradually more tolerant attitudes. The poet, Walt Whitman, who wrote of the United States as a "nation of nations," spent the last nineteen years of his life in Camden, New Jersey.

Early on, the southern states also exhibited a religious and ethnic diversity equivalent to that of the northern states; however, pluralism did not develop strong roots in the South. What did develop tended to be limited to religious pluralism (among Protestant denominations and, to some extent, Catholics) and a tolerance of certain classes of white ethnics. Otherwise, the South produced slavery as well as a type of ambivalent pluralism, namely, class.

Ironically, the South contributed to its own diversity by importing African slaves; but insofar as we have defined pluralism as an acceptance of differences as legitimate and of groups as partners, slavery cannot be regarded as an expression of pluralism. Instead, it is a form of conquest. Conditions did not improve much for black Americans after emancipation because the reassertion of white supremacy during the 1870s resulted in the establishment of a kind of caste system in which blacks were segregated and excluded from political processes. In these respects, policies toward blacks, like Indians, have been an exception to the covenantal pattern of American civil society. Only since World War II have black Americans begun to be accepted as equal partners in American life.

With slavery acting as a barrier to the formation of a cultural climate of tolerance, and with large agricultural landholdings acting as a barrier to social mobility and a vigorous market economy, the South also developed a rather sharply defined class system largely divided between upper-class planters and merchants and lower-class farmers and laborers. A kind of caste-and-class system also developed in parts of the Southwest as a result of conflicts between Anglos and Hispanics as well as the establishment of large landholdings based on a combination of Spanish land grants to *empresarios*, the availability of cheap land, the need for extensive grazing areas, and the desire to secure water.

Insofar as there have always been income differences, there have always been classes in America; but class did not become a salient political issue nationwide until the urban-industrial revolution began to peak and accentuate income differences during the last third of the nineteenth century. The era of the so-called "robber barons" and of *laissez faire* capitalism sparked the formation of labor unions, working-class movements, and varieties of populist, socialist, and anarchist parties. Class conflict became a significant factor in American politics, and even the two major parties seemed to divide along class lines, with the Democrats becoming associated with the workers and new imigrants, and the Republicans becoming associated with the employers and old-stock Americans. Among other things, this party alignment resulted in the dramatic shift of most black voters from the Republican Party, the party of emancipation, to the Democratic Party, the party of opportunity, during the 1930s.

The urban-industrial era was also the period of "dual federalism" when the courts defined the federal system as a matter, not of shared sovereignty, but of divided sovereignty in which the states and the federal government were said to occupy distinct spheres. As a result, independent efforts by the states and the federal government as well as cooperative efforts on the part of both governments to regulate capitalism and cope with class conflict were frequently stymied by the courts.

Class politics culminated during the New Deal era. Although there continue to be social class differences in wealth, attitudes, and behavior, class can be regarded as a kind of ambivalent form of pluralism in America. On the one hand, class implies a hierarchy of inferior and superior groups in which there are elements of exploitation and unfairness. Given the American commitment to equality, class has always been somewhat suspect. On the other hand, most contemporary Americans are not very disturbed by class differences, in part, because most Americans regard themselves as middle class even, in some cases, when their actual incomes suggest otherwise. Ironically, the very belief in equality of opportunity has tended to dampen class resentment because, on the whole, Americans are inclined to accept most class differences as being legitimate outcomes of a market economy and democratic system. Whenever they detect unfairness in the market or government, Americans usually react strongly; hence they have rejected *laissez faire* capitalism and accepted public assistance and regulation. But they have not embraced the idea of a classless society.

At the same time, class lines are blurred and highly permeable. There is considerable movement up and down the class system, except where caste-like conditions block the upward mobility of certain groups. Unlike some other nations, there is also little self-identification within classes. One can locate classes statistically; but culturally and politically, one would be hard put to locate a true upper class or working class in America. Nor has there ever been a successful upper-class or working-class party in American history. The Republican and Democratic parties are hardly even shadows of real class parties. The federal system and the nation's geographic extensiveness have also softened the influence of class on American politics. The lack of a single governmental center, because of the territorial organization of the federal system, hinders the kind of nationwide mode of organization required for class politics.

If class politics culminated during the New Deal, caste politics seems to have culminated during the New Frontier and Great Society years of the 1960s. The assault on caste politics required vigorous governmental action, including an expanded role for the federal government in the realm of civil rights. Because of the resistance mounted by a minority of the states, some observers concluded that federalism caused or exacerbated the race problem. But this notion is really irrelevant. What the founders faced in 1787 was a choice between a federated union or no union. No doubt, as an independent nation, the South would have abolished slavery by the end of the nineteenth century; but it would have been in a strong position to maintain caste segregation. As an independent nation, the North might have lost interest in the problem and perhaps even have sealed off its borders against blacks seeking to escape the South. This, of course, is all speculation, and given the historic depth of racism in America, it is unlikely that violence could have been avoided in any event.

The conflicts arising from racial prejudice illustrate a problem recognized by Aristotle and most of the American founders; that is, laws and constitutions alone cannot resolve problems of human diversity. As Alexander Hamilton suggested, a constitution is mere parchment, which is why so many written constitutions in the world are ineffective. Constitutionalism requires the additional support of socio-economic conditions and cultural attitudes, which most of the founders hoped would be supplied by commerce and religion. At the same time, constitutionalism is necessary, as was amply demonstrated during the Civil War and during the civil rights revolution of the 1960s. Neither commerce nor religion is sufficient by itself either. A viable pluralist republic, then, seems to require a sound constitutional structure, a viable open economy, and a level of other-regarding virtue among citizens. (See Donald Lutz's contribution to this collection.)

Historic Attitudes Toward Pluralism

To a great extent, we have already considered certain historic attitudes toward pluralism; but other questions continually arise over the nature of American pluralism. Is the United States like a melting pot, salad bowl, mosaic, orchestra, or some other mixture? What should it be? Answers to both questions have tended to be ambiguous.

As to what America actually is, observers have often come up with contradictory answers. Where one observer sees mass uniformity, another sees substantial diversity. The very existence of the union implies some unity and consensus, yet there are obvious diversities as well. In part, it is a matter of how one looks at the situation. When a Chinese American purchases a hamburger, an order of french fries, and a chocolate shake from a Spanish-speaking clerk at a MacDonald's restaurant in El Paso, is that an example of uniformity or diversity? It is also a matter of what one regards as relevant differences. There is uniformity insofar as Americans regard themselves as Americans; but there is diversity insofar as Americans regard themselves as Chinese Americans, Jewish Americans, Catholic Americans, Texans, Oakies, and so on.

Unless we were to agree upon a very precise and complex measure of pluralism that would distinguish relevant differences, observers will continue to arrive at contradictory conclusions. Those conclusions are likely to be greatly influenced by the climate of public opinion. When public opinion emphasizes unity, observers tend to find uniformity, as was the case during the 1950s when notions of mass society and suburban conformity were prominent. When public opinion emphasizes pluralism, observers tend to find diversity, as was the case by the late 1960s when the nation seemed on the verge of anarchy. These different observations also illustrate the dynamic character of American pluralism.

At the same time, there appear to have been at least two attitudinal traditions in America, which might be called that of Englightenment unitarians and that of convenantal pluralists. By and large, the unitarians have looked upon history as evolving toward a cosmopolitan conclusion in which all Americans, if not all humanity, will come to share a common rational consciousness. In this view, human attachments to ethnicity, religion, sectionalism, localism, and so on are irrational, dangerous, and prejudicial. The only good community is a moral community based upon what is common to all. Among the American founders, for example, Thomas Jefferson held strongly to the Enlightenment faith in a universal, natural, moral "religion" based upon a universal moral conscience fixed in humankind by nature. Indeed, many of the founders expressed a fear of what they regarded as "factions" and held out a hope that America would be governed by a pleasant, pastoral consensus.

The dark side of Enlightenment unitarianism is the tendency to define cosmopolitanism in terms of the standards of a dominant group and to impose those standards on others. This arises as a practical matter because what is common to all is pretty thin. As Jefferson wrote, "What all agree in, is probably right. What no two agree in, most probably wrong."[38] Since this is a slim reed upon which to build a civil society, the dominant group tends to decide what all should agree in. Thus, white Anglo-Saxon Protestantism came to be defined as the "natural" national cosmopolitan standard for several generations of Americans.

Covenantal pluralists have emphasized the continuing importance and legitimacy of constituent group attachments and federal linkages between groups. This pluralist tradition is periodically reinforced when particular groups feel imposed upon and assert themselves as being entitled to equality even while remaining distinctive. In large part, it was the civil rights movement of the 1960s that caused contemporary Americans to rediscover diversity, and even accept some new diversities. At first, the trend was in the direction of melting-pot integration; but when "black" replaced the name "Negro" and such phrases as "black power" and "black is beautiful" came to the fore, the emphasis shifted to a more pluralistic integration, that is, acceptance into the larger society, not on unilateral white terms, but on the basis of a renegotiated social compact.

Of course, the dark side of this pluralist tradition is the temptation to exclude certain groups from covenantal agreements and to use force to resolve conflicts. The United States has had its share of these dark consequences, all of which continue to trouble the nation. On the whole, however, "the United Stated has probably coped more effectively with ethnic, religious, racial, and geographic diversity better than any large and complex society in the world. Indeed, when one considers the size, geographic diversity, heterogeneity of the population, and the sheer newness of the society, the astonishing thing is that the nation has survived it all."[39]

Historical Development of American Pluralism

One can speak of three eras of American history: the rural-land, the urban-industrial, and the metropolitan-technological.[40] Each raises its own issues of pluralism. In the following pages, these issues are reviewed as are the attitudinal responses to them.

The Rural-Land Era

During the rural-land phase of early American history, issues of pluralism centered primarily around union, religion, and party politics. The principal item on the political agenda was the establishment and maintenance of the federal union itself in the face of territorial and sociocultural diversities. The United States Constitution accommodated both types of diversity. Delegated to the federal government were those powers (e.g. national defense and interstate and foreign commerce) necessary for achieving union and serving all citizens in a universalistic manner. Reserved to the states was an array of powers (e.g., education and police) affecting those things about which citizens may establish different rules and preferences within the union. The territorial arrangement of the federal system helped to accommodate territorial pluralism, while representative structures, due process, interstate guarantees, and stipulations of rights served to build linkages and accommodate universalistic pluralism.

Although most Americans were Protestants during this era, denominational differences were taken seriously. The official disestablishment of churches weakened religious territorial pluralism, though unofficial manifestations remained prevalent. Even today there are quite a number of towns and counties populated predominantly by members of a particular faith who, by virtue of their shared values, govern, to the extent possible, according to the tenets of their religion. During the development of many suburban communities after World War II, denominations themselves divided up the turf informally so as not to undermine each other in cutthroat competition for members.

One of the practical political problems presented by religious diversity was in the establishment of public schools. What curriculum was to be developed for these common schools? In some states, there were also problems of ethnic and linguistic diversity. When Pennsylvania moved toward the establishment of public schools, Benjamin Franklin wanted to make sure that they would teach the Pennsylvania Germans to speak proper English. The Germans did not take kindly to this idea. As a result, most states had difficulty establishing common schools.[41] In many cases, the first such schools were limited to paupers and orphans, while denominational schools served other children.

In Virginia, Jefferson's Bill for Religious Freedom passed the General Assembly in 1786; but his bill to establish public primary and secondary schools failed because denominational groups feared that their children would be led astray by a common school curriculum. In 1840, Massachusetts came close to abolishing its Board of Education. As a legislative committee report observed:

> in a country like this, where such diversity of sentiment exists, especially upon theological subjects, and where morality is considered a part of religion and is, to some extent, modified by sectarian views, the difficulty and danger of attempting to introduce these subjects into our schools, according to one fixed and settled plan, to be decided by a Central Board, must be obvious.[42]

This has a familiar ring, even today, as Frederick Wirt explains in his contribution to this collection.

Political party pluralism also developed during the rural-land era. Party competition depended upon the acceptance of religious toleration (so that opponents no longer regarded each other as heretics or infidels to be exterminated) and political toleration (so that opposition to those in power could be regarded as loyal rather than treasonous). Before the nineteenth century, would-be parties were regarded as harmful factions, and the object of competition was not simply to win, but to wipe out the other side. The United States was the first nation to develop a modern party system, and the Democratic Party is the world's oldest continuing political party. Martin Van Buren even articulated a pluralist party theory when he argued that the nation needed a two-party system for effective parties, effective party competition, and effective governance because, if one party were to gain a monopoly of power nationwide, it would only factionalize and fragment the republic as well. Van Buren's notion of friendly competition in which each side tries to win without damaging the other side seems crucial to the functioning of American pluralism as a whole.[43]

Three curious features of American party pluralism developed during this period.

1. Despite the amazing diversity of the United States as compared to most Western European democracies, Americans settled into a two-party rather than multi-party system. There are a number of reasons for this, including the fact that pluralist divisions in the United States have not been as deep and ancient as they have usually been in Europe, and the fact that the structure of the federal system and electoral representation has encouraged coalition building such that both parties themselves are pluralistic. The very extensiveness and variety of diversity in the nation, plus the cross-pressures created by that diversity, also serve to moderate the centrifugal effects of pluralism. (See John F. Bibby's contribution to this collection.)

2. The party system encompasses both territorial and universalistic pluralism. While there has generally been healthy party competition nationwide for the White House and seats in the Congress, most states and localities have been characterized, until recently, by a virtual monopoly of one or another party. Insofar as the parties are organized along the lines of the federal system, they reflect and often reinforce territorial pluralism. Nationwide, they reflect and often reinforce universalistic pluralism through broad-scale coalition building.

3. The parties also reflect the ambiguity of American pluralism. Some observers see Democrats and Republi-

cans as being merely tweedledee and tweedledum; others see them as being markedly different.

The Urban-Industrial Era

American pluralism was sorely tested during the urban-industrial era when issues of race came to a head, economic development accentuated class and sectional lines, and huge numbers of immigrants poured into the country, especially Roman Catholics and Jews from southern and eastern Europe. It was during this period that the issue of melting pot Americanization versus salad bowl pluralism came to the fore.

There were at least four expressions of the melting pot school. First, there were the simple nativists who opposed immigration and sought a certain racial purity in America. Indeed, there was a general societal thrust toward purity within groups during this period as differences were accentuated between races (e.g., segregation), ethnic groups (e.g., WASPs and the new immigrants), religious groups (e.g., Protestants and others), genders (e.g., the domestication of womanhood), sinners and teetotalers, workers and employers, and states and the nation (i.e., dual federalism).

Simultaneously, there were the illiberal assimilationists who wanted to limit immigration and Americanize the immigrants by forcing them to give up their cultural heritages for a superior American culture. Third, there were the liberal assimilationists who wanted to Americanize the immigrants for noble Enlightenment reasons. Many of these were also Progressives who were otherwise critical of American society generally for having fallen short of Enlightenment ideals. In their desire for a rational, scientific, liberal, democratic society, many Progressives regarded the primordial attachments of the new immigrants as primitive, irrational obstacles to a better world. Both liberal and illiberal assimilationism played a strong role in the nineteenth-century institutionalization of public schools, to which Roman Catholics in particular responded by establishing their own schools.

Finally, there were the partial assimilationists, who were especially prominent in the Midwest. Such individuals as John Dewey, George Herbert Mead, Frederick Jackson Turner, Jane Addams, Graham Taylor, and Charles Horton Cooley tended to be critical of Americanization campaigns. They investigated and publicized the communal needs and strengths of immigrant groups and highlighted their contributions to American life. At the same time, they believed that ethnic and religious attachments would attenuate simply because these new groups would be absorbed into the vast openness of the American land and civil society.

By and large, however, pluralism as an intellectual force was a minority voice during this period. One of the leading universalistic pluralists was William James, who saw the world as a whole as "more like a federal republic than like an empire or a kingdom."[44] Rather than a homogeneous culture, the pluralists looked to a compound culture consisting of various ethnic and religious expressions and contributions. They saw both culture and democracy as being dynamic and emergent rather than static and already formed and, thereby, requiring protection from wayward immigrants.[45] Thus, another pluralist, Horace M. Kallen wrote in 1915: "the United States are in the process of becoming a federal state not merely as a union of geographical and administrative unities, but also as a cooperation of cultural diversities, as a federation or commonwealth of national cultures."[46] Randolph Bourne spoke of a trans-national America, [47] and Alain Locke, intellectual leader of the Negro Renaissance, sought to articulate a place for black Americans in this pluralist universe.[48] Other pluralists emphasized voluntary communal attachments and the rights of individuals to make free choices about assimilation.[49]

In the main, however, Americanization tended to prevail as official policy during this era, as reflected finally in the restrictive immigration legislation of the early 1920s. At the same time, most of the new immigrants were eager to Americanize in most respects and get along in their new home. On the other hand, most groups retained some features of their cultural backgrounds, especially certain religious and social practices. This retention of limited diversity was reinforced by the pattern of territorial segregation and pluralism that developed in urban areas as ethnic groups collected together in their own neighborhoods.

The Metropolitan-Technological Era

The contemporary metropolitan-technological era has been characterized by an emphasis on universalistic pluralism, a decline of interest in Americanization and even a rejection of it, an assault on caste and class as illegitimate, a reassertion of religious pluralism, a moderate revival of ethnic identification and sectionalism, an acceptance of new varieties of pluralism, and passage of a new, more liberal, immigration law. Nathan Glazer and Daniel P. Moynihan seemed to signal the new mood in 1963: "The notion that the intense and unprecedented mixture of ethnic and religious groups in American life was soon to blend into a homogeneous end product has outlived its usefulness, and also its credibility."[50] At the same time, the United States became more integrated in terms of more groups gaining greater access to more sectors of American society. By the early 1970s, even "the American elite appears to have become more ethnically heterogeneous than was true in the past, and it included individuals from all large ethnic groupings in the United States."[51]

There was a modest revival of interest in pluralism during World War II in response to the racism of Nazi Germany. A leading social scientist, Robert M. MacIver, for example, argued that evolution moves toward greater differentiation. A diversified ethnic democracy, he felt, would maximize cultural spontaneity, retard segregation, and promote flexible and responsive citizens and institutions. But it was not until the civil rights revolution of the 1960s that questions of pluralism became intense. Among other things, that revolution sparked a modest revival of white ethnic identification in the late 1960s. The new pluralist energy seems to have peaked in the early 1970s with the passage of ethnic-oriented legislation, such as bilingual education and ethnic heritage studies. Thus, the contemporary era has been marked by a revival of some old pluralist issues in America as well as an emergence of some new ones.

Aside from racial pluralism, two of the revivals have been bilingualism and religious pluralism. Bilingualism has arisen primarily because of the growth in the population size and political power of Spanish-speaking Americans. The pendulum now seems to be swinging back to English; but it is likely that several Spanish-speaking groups will retain Spanish as a second language unlike most other non-English-speaking groups that abandoned their native languages.

Soon after Protestants, Catholics, and Jews seemed to find themselves in a common melting pot, they began to differentiate themselves again. In part, this was a response to a perception of growing secularization as well as the series of U.S. Supreme Court decisions that dealt with prayer and Bible reading in public schools, public aid to private schools, obscenity, and abortion. Evangelicals and fundamentalists were especially sensitive to these judicial actions. Catholics were assisted by ethnic revivalism and by changes in the church. Jews were assisted by the creation of Israel. Furthermore, once Catholics and Jews found themselves in the melting pot, it became safe once again and, to some extent, necessary to reassert certain differences, while not leaping out of the pot altogether. With the immigration of wholly new religious groups, such as Muslims, Buddhists, Hindus, and Copts, along with conversions to these and other religions, the United States has become more religiously diverse than at any other time in its history. One consequence of this diversity is that the public schools again find themselves in the crossfire of pluralist pressures at a time when they must compete with a growing number of private, parochial, and denominational schools.

Another variety of pluralism, which might be called associational, has become especially influential in the contemporary era. Although the American penchant for establishing associations dates back to the first settlements in North America, associational pluralism has reached a new high and has become the leading manifestation of universalistic pluralism. Associational pluralism involves the organization of people around common, shared, or mutual interests, which are not usually related to blood, place, language, or religion. As a result, American pluralism has become extraordinarily well organized into hundreds of thousands of interest and pressure groups—so much so that even those individuals who are related by blood, place, language, or religion have often felt strong needs to get organized in an associational fashion in order to play in the game. If the National Association for Man/Boy Love is repugnant to most Americans, it nevertheless illustrates the degree to which nearly every conceivable interest known to humanity is represented by some type of association in the United States. Americans sometimes refer pejoratively to these associations as special interest groups except, of course, when it is one of their own, but in reality, all associations are special interest groups and all claim to represent some public good.

Associational pluralism frequently has a territorial dimension as well. Many nationwide associations are organized along federalist lines with local and state chapters, sometimes a regional organ, and then a national committee and a national convention that meets once a year. Some of these associations are very confederal, others are quite hierarchic. In some cases, especially business and professional associations, this mode of organization is necessitated by the federal system because the associations' members are affected by local, state, and federal governmental actions. What is also rather unique about this system is the sharing of governmental functions with some of these associations.

A relatively new type of pluralism that might be called lifestyle pluralism has also developed on the metropolitan-technological frontier. Lifestyle pluralism is a form of diversity that began to emerge in the 1920s and intensified during the 1960s as a product of economic affluence, counter or adversarial cultural protest, adolescent freedom, and the civil liberties revolution. Lifestyle pluralism represents the expression of individuality through loose affiliations with others who seek to express the same individuality, such as the flappers of the 1920s, beatniks of the 1950s, and hippies of the 1960s. Lifestyle pluralism emphasizes the free expression of internal preferences coupled with the acquisition of external goods to serve those preferences. The assumption is that almost any preference is, or should be, legitimate in a free society. There is, then, an emphasis on natural freedom, which is reflected in the voluntariness of these groups, coupled with a desire to affiliate, which stems from a need for support and appreciative recognition of one's individuality. Although these groups are usually organized loosely, if at all, they nevertheless sometimes develop a religious tenor and create a linguistic dialect, and occasionally come to regard themselves as a kind of class or quasi-ethnic group. Perhaps the most controversial lifestyle group is homosexuals, who have become a significant political force in a number of large cities. If most Americans have not come to accept homosexuality as legitimate for themselves, a majority has come to accept homosexuals within certain civil limits.

The political strength of gay communities in some cities reflects again a territorial feature of the federal system, which allows minorities to gain some share of power and authority within an extensive republic that would otherwise overwhelm them. In turn, these smaller territorial bases can be used to influence larger political arenas. Quite a number of groups have recently rediscovered this feature of federalism, including black Americans, some of whom have become ambivalent about integration if it is to mean a loss of potential political clout as a result of dispersion throughout white society.

Federal Democracy and Pluralism

Having already illustrated many intersections of federalism and pluralism, what remains is to highlight those intersections by comparing federal democracy to Jacobin democracy, by outlining certain salient features of American federalism, and by suggesting that pluralism is not a substitute for federalism.

It can be argued that two democratic traditions emerged in the 1780s: federal and Jacobin.[52] Jacobin democracy is associated historically with the French Revolution that began in 1789. This tradition, in line with Rousseau as well, looks to a single unitary polity governed by a general will, even though in practice, this general will may often be little more than a simple majority vote. The assumption behind Jacobin democracy is the Enlightenment view that all citizens have a single common interest and a shared moral conscience as human beings. Hence, the "partial" interests of different groups are regarded as illegitimate, if not evil. Stripped of their cultural accretions down to a bare equality, all citizens would realize that they have a general will which is also the same as their individual wills. What is sovereign, then, in this conception is not the people per se, but the general will, which is held to be the people's best interest.

One of the problems with this system is that of minority rights, which became an issue during the French Revolution. Since the leading French revolutionaries did not recognize pluralism, they denied the validity of minority rights and rejected coalition-building as a means of mobilizing majoritarian sentiment. Since they did not hold that the people themselves were sovereign, the people's opinions were not to be actually represented in the national assembly. The 1791 constitution, for example, prohibited delegates from accepting instructions or mandates from their constituents. In effect, "the French revolution continued the doctrine of the absolute monarchy it had overthrown, which had asserted the primacy of the public good represented by the king over the necessarily limited and partial interests once represented by the estates."[53] In the end, neither minority nor majority rights were much protected by the revolution.

Federal democracy is associated historically with the American Revolution. This tradition looks to a unified, but not unitary, polity which is itself made up of constituent polities. Consequently, James Madison referred to the United States as a compound republic, being partly national and partly confederal. In this system, power is non-centralized and dispersed across different-sized arenas authorized to perform different functions more or less appropriate for their respective arenas. Thus, powers of foreign affairs, national defense, and the regulation of foreign and interstate commerce are delegated to the federal government because they are functions appropriate to the nation as a whole. Any number of other powers, such as education, might have been delegated to the federal government; but they were not. Education, for example, was reserved to the states because there was no compelling logical reason to lodge it in the national government and no practical political possibility of doing so in any event. The idea of local control of education was already becoming well entrenched in American political culture. If pluralist diversity made it difficult for many states and localities to establish public schools, such diversity nationwide would have paralyzed any national school board. At the same time, the continuing role of the federal government in education, which had its precedent in the Northwest Ordinance of 1787, illustrates the way in which these governmental arenas are not entirely separate and distinct, but have been permeated by cooperative linkages from the beginning.

There are, then, a number of ways in which the federal system shapes and sustains pluralism in the United States.

1. Federal democracy enhances minority rights, and thereby pluralism, by deemphasizing simple majority rule and emphasizing rule by extraordinary as well as dispersed majorities, especially on fundamental civil affairs. An example of an extraordinary majority rule is the requirement of a two-thirds vote in both houses of the Congress as a method of proposing amendments to the U.S. Constitution. An example of a dispersed majority rule is the requirement that amendments to the U.S. Constitution be ratified by state legislatures or conventions in three-fourths of the states. In other words, the very process of amending the Constitution gives voice to many diverse groups. No changes can be made in the fundamental law of the land without a rather broad societywide consent. Similarly, the electoral college method of electing the president emphasizes a coalition of dispersed minorities rather than a simple national majority.

2. The constituent polities of the federal system, namely, the states, join the union voluntarily and are admitted on an equal footing with the original states. Aside from the partial exception of the Mormons of Utah who had to give up polygamy, among a few other things, new states are not required to conform to much of a national political or cultural standard beyond that of having a republican form of government and adhering to the principles of the Declaration of Independence. At the same time, admission to the union is permanent. To paraphrase Abraham Lincoln, the union is a perpetual marriage in which there is no divorce. This eliminates a major centrifugal force in pluralist systems. At the same time, the states are guaranteed certain protections, including the inviolability of their boundaries. (On the role of the states as constituent polities, see Stephen Schecter's contribution to this collection.)

3. There is a written, agreed upon, national constitution that governs the system and establishes representative structures, due process rules, and rights, all of which are important to the successful functioning of pluralism. Representative structures tend to emphasize territorial dimensions of pluralism; rights play a key role in universalistic pluralism; and due process acts to govern intergroup negotiations and policymaking. At the same time, each state has its own constitution and possesses a wide latitude of freedom to structure its political system as its citizens see fit.

4. Within both the federal and state governments there is a further separation of legislative, executive, and judicial powers. Itself a kind of pluralism of power, this arrangement facilitates access to power by many groups, including minorities. At the same time, the extraordinarily independent American judiciary has come to play an umpire role, presumably adjudicating the plays of the pluralist game in light of the constitutional and legislative rules. Occasionally, the courts even intervene in the game to change the rules or scores in favor of one or another group.

5. Since power is distributed exclusively and concurrently in the federal system, different governments and groups can hold their own in the federal system while still being required to negotiate and cooperate with other governments and groups to accomplish certain goals. To put it in Aristotelian terms, most constituent groups in American civil society can live on their own; but few, if any, can live well without cooperating with others. Each of the states, for example, could function quite easily as an independent nation if necessary; but none could function as well as it can within the union. It is in this seemingly paradoxical sense that federalism and pluralism often end up strengthening and enhancing group life.

6. Power in the federal system is largely non-centralized and non-hierarchic, though there have been strong leanings toward centralization and hierarchy in contemporary America. In the absence of a single authoritative center or top-of-the-pyramid command post, pluralism can function in a variegated civil environment, allowing many groups to achieve some, if not all, of their goals.

7. At the same time, many laws reinforce pluralism in the American system. These include laws and constitutional rights that ensure freedom of pluralist expressions as well as laws, such as tax exemptions, that make room for multiple associations. There are nearly 110,000 tax-exempt associations in the United States. Tax exemptions are derived from the idea of limited government in which the pluralistic private sector is given space to perform public functions, often in accord with localistic or particularistic preferences within the nation.

8. The territorial distribution of power in the federal system shapes pluralism in several ways. For one, different constituent governments "can respond differently to different values" so as to "accommodate the variety of interests with the least strain."[54] Federalism also disperses pluralist conflict throughout the political system, thereby limiting the tendency for all groups to focus on a single governmental center that might be overwhelmed or paralyzed by such pressure from so many different sources. Third, the territorial distribution of power provides jurisdictional havens and levers of power for various groups to express their preferences and protect themselves. At the same time, since most territorial jurisdictions are now fairly diversified themselves, American civil society is not fragmented and segmented as is sometimes the case in civil societies where governmental boundaries coincide with ethnic and religious group boundaries. In addition, territorial jurisdictions are neutral and fairly open, such that there may be a succession of groups making use of any particular jurisdiction for its own purposes. Fourth, the substantial, but still limited, powers allocated to each jurisdiction virtually require intergovernmental and, hence, intergroup cooperation in order to attain goals. Finally, the territorial nature of American federalism tends to give all varieties of pluralism a territorial orientation insofar as groups need to organize within jurisdictions to achieve influence and representation.

9. In this respect, federalism is as much a process of governance as it is a structure of government. There is considerable emphasis on negotiation, bargaining, and coalition building among plural interests and dispersed majorities. Since pluralism is a dynamic rather than static phenomenon,[55] process rather than structure tends to be more important for pluralist polities. This is one reason why due process is so prominent in American civil society.

10. Process also implies consent, and underlying all of the principles and facets of federal democracy is the fundamental idea of consent, given voluntarily. The very idea of a

covenantal or federal partnership of governance requires consent as the proper basis for establishing civil relationships. Without consent there is no true partnership. When the partners are as diverse as are the peoples of the United States, then ways are needed to give as many people as possible opportunities to express effective consent or dissent. The "new political science" of federal democracy developed by the American founders has, in comparison to other systems, proven to be quite effective in providing multiple opportunities for broad-based consent.

In the modern era, some observers have argued that democratic pluralism alone can be a sufficient guarantee of liberty in majoritarian polities and that federalism is outmoded and inefficient. However, as the foregoing suggests, federalism does make a difference. Insofar as pluralism derives from the diversity of the socioeconomic constitution of a polity, socioeconomic conditions that frequently change cannot be expected to protect liberty alone anymore than a free market can be expected to protect liberty by itself. As history has plainly shown, humans cannot rely solely on goodwill and cultural tolerance to support pluralism either. Indeed, pluralism implies but cannot alone supply some ordered and structured diversity in civil society. Without such order and structure, diversity may not even give rise to pluralism; instead, it may result in fragmentation, civil war, or the dominance of one or two groups over others. In this respect, federal democracy seems capable of providing the additional and necessary constitutional order, structure, and processes for a successful, large-scale pluralist republic.

This is not to say that the system works perfectly or that everyone is satisfied all the time. The very theory of federal democracy acknowledges that a perfect civil society seems to be beyond human capabilities, at least at the moment. Instead of trying to build the perfect society and attempting to force people to be free to appreciate it, federalists have tended to aim for the mean, in Aristotle's terms, in efforts to negotiate important human differences as they arise. In no small part, it is because Americans have linked federalism and pluralism that the American system of federal democracy has held together for two hundred years the first continental-size nation in world history to be governed in a reasonably democratic fashion. This system has also provided an extraordinarily large number of human beings of very diverse backgrounds with levels of peace, security, freedom, and commodious living unprecedented in history.

Endnotes

[1] George Orwell, *1984* (New York: Harcourt, Brace, 1949).

[2] Alvin Toffler, *Future Shock* (New York: Random House, 1970).

[3] Gabriel Vahanian, *The Death of God: The Culture of Our Post-Christian Era* (New York: G. Braziller, 1961); Thomas W. Ogletree, ed., *The Death of God Controversy* (Nashville: Abington, 1966); Dietrich Bonhoeffer, *The Cost of Discipleship* (New York: Macmillan, 1963).

[4] See, for example, William Ophuls, *Ecology and the Politics of Scarcity* (San Francisco: W. H. Freeman, 1977). There are exceptions, especially E.F. Schumacher, *Small is Beautiful: Economics as if People Mattered* (New York: Perennial, 1975), and Murray Bookchin, *Towards an Ecological Society* (Montreal: Black Rose, 1980).

[5] Milton R. Konvitz, *Expanding Liberties: The Emergence of New Civil Liberties and Civil Rights in Postwar America* (New York: Viking, 1967).

[6] Daniel J. Elazar, "The Role of Federalism in Political Integration," *Federalism and Political Integration*, ed. Daniel J. Elazar (Ramat Gan: Turtledove, 1979), pp. 49–52; and G. Shabbir Cheema and Dennis A. Rondinelli, eds., *Decentralization and Development: Policy Implementation in Developing Countries* (Beverly Hills: Sage, 1983).

[7] A classic statement is Harold J. Laski, "The Obsolescence of Federalism," *The New Republic* 98 (May 1939): 362-369.

[8] Michael Novak, *The Rise of the Unmeltable Ethnic* (New York: Macmillan, 1972).

[9] Marshall McLuhan and Quentin Fiore, *War and Peace in the Global Village* (New York: Bantam, 1968).

[10] Sekou Toure, *Toward Full Reafricanisation* (Paris: Presence Africaine, 1959), p. 28.

[11] Jawaharlal Nehru, *The Discovery of India* (London: Meridian, 1946), p. 49.

[12] Andrew M. Greeley, "The Rediscovery of Diversity," *The Antioch Review* 31 (Fall 1971): 343.

[13] See Norton E. Long, "Aristotle and the Study of Local Government," *Social Research* 2[illegible] (Autumn 1957): 287-310 and "Ethos and the City: The Problem of Local Legitimacy," *Ethnicity* 2 (March 1975): 43-51; and Daniel J. Elazar and John Kincaid, *Federal Democracy: An Introduction to the American System of Government* (forthcoming).

[14] *Texas v. White*, 74 U. S. (7 Wall.) 700, 725 (1869).

[15] *Zorach v. Clausen*, 343 U.S. 306, 313 (1952).

[16] Quoted in Max Lerner, *America as a Civilization* (New York: Simon and Schuster, 1957), p. 715.

[17] Will Herberg, *Protestant, Catholic, Jew* (Garden City, N.Y.: Doubleday, 1955); and James Hitchcock, "Church, State, and Moral Values: The Limits of American Pluralism," *Law and Contemporary Problems* 44 (Spring 1981): 3-21.

[18] Quoted in Frederick Rudolph, ed., *Essays on Education in the Early Republic* (Cambridge: Harvard University Press, 1965), pp. 10-11.

[19] Robert N. Bellah, "Civil Religion in America," *Daedalus* 96 (Winter 1967): 1-21, and *The Broken Covenant: American Civil Religion in Time of Trial* (New York: Seabury, 1975).

[20] I am indebted to Daniel J. Elazar for suggesting this threefold scheme.

[21] Charles Morris, *Western Political Thought* (New York: Basic Books, 1967), I, pp. 123-124.

[22] Robert Nisbet, *The Social Philosophers: Community and Conflict in Western Thought* (New York: Thomas Y. Crowell, 1973), p. 7. See also Kenneth D. McRae, "The Plural Society and the Western Political Tradition," *Canadian Journal of Political Science* 12 (December 1979): 675-688.

[23] See William James, *A Pluralistic Universe* (New York: Longmans, Green, 1909; Cambridge, Mass.: Harvard University Press, 1977).

[24] *Aristotle's Politics and Poetics*, trans. Benjamin Jowett and Thomas Twining (New York: Viking, 1957), p. 32.

[25] Ibid.

[26] *The Politics of Johannes Althusius*, ed. and trans. Frederick S. Carney (Boston: Beacon Press, 1964), pp. 12 and 14.

[27] Ibid., p. 62.

[28] "Nationality," *Essays on Freedom and Power*, ed. Gertrude Himmelfarb (London: Thames and Hudson, 1956), p. 160.

[29] See Daniel J. Elazar, "Covenant as the Basis of the Jewish Political Tradition," *Jewish Journal of Sociology* 20 (June 1978): 5-37; and Delbert R. Hillers, *Covenant: The History of a Biblical Idea* (Baltimore: Johns Hopkins Press, 1969).

[30] Daniel J. Elazar, "Government in Biblical Israel," *Tradition* 13 (Spring-Summer 1973): 105-123.

[31] Galatians 3:28.

[32] See John Kincaid and Daniel J. Elazar, eds., *The Covenant Connection: Federal Theology and the Origins of Modern Politics* (forthcoming).

[33] Henry Steele Commager, *The Empire of Reason: How Europe Imagined and America Realized the Enlightenment* (Garden City, N.Y.: Anchor/Doubleday, 1978), pp. 191-214.

[34] Darryl Baskin, "The Congregational Origins of American Pluralism," *Journal of Church and State* 11 (Spring 1969): 277-295.

[35] See also Daniel J. Elazar, "Megalopolis and the New Sectionalism," *The Public Interest* No. 11 (Spring 1968): 67-85, and Carl Abbott, *The New Urban America: Growth and Politics in Sunbelt Cities* (Chapel Hill: University of North Carolina Press, 1981).

[36] See, for example, Michael Zuckerman, ed., *Friends and Neighbors: Group Life in America's First Plural Society* (Philadelphia: Temple University Press, 1982).

[37] Daniel J. Elazar, "Pluralism, Federalism, and Liberty," Paper presented at the conference on "The Meaning of American Pluralism," a Liberty Fund Conference sponsored by the Center for

the Study of Federalism, Temple University, Philadelphia, Pennsylvania, 16-18 May, 1982.

[38] Letter to John Adams, 11 January 1817, *Jefferson's Letters*, comp. Willson Whitman (Eau Claire, Wisc.: E.M. Hale, n.d.), p. 325.

[39] Greeley, "The Rediscovery of Diversity," pp. 356-357.

[40] For a discussion of these three eras, see Daniel J. Elazar, *Cities of the Prairie: The Metropolitan Frontier and American Politics* (New York: Basic Books, 1970), pp. 23-44.

[41] See Lawrence A. Cremin, *American Education: The Colonial Experience, 1607-1783* (New York: Harper and Row, 1970).

[42] "Report of the Committee on Education of the House of Representatives, 7 March 1840, Massachusetts," in *American Writings on Popular Education*, ed. Rush Welter (Indianapolis: Bobbs-Merrill, 1971), p. 91.

[43] Martin Van Buren, *Inquiry into the Origin and Course of Political Parties in the United States* (New York, 1867).

[44] James, *A Pluralistic Universe*, p. 145. See also Henry S. Levinson, "William James and the Federal Republican Principle," *Publius: The Journal of Federalism* 9 (Fall 1979): 65-86.

[45] See also Fred Wacker, "The Fate of Cultural Pluralism Within American Social Thought," *Ethnic Groups* 3 (1981): 125-138.

[46] "Democracy versus the Melting Pot," *The Nation*, 18 and 25 February 1915; and *Culture and Democracy in the United States: Studies in the Group Psychology of the American Peoples* (New York: Boni and Liveright, 1924).

[47] "The Jew and Trans-National America," *Menorah Journal* 2 (1916): 137-145.

[48] Alain Locke, "Black Truth and Black Beauty," *Opportunity* 11 (1933): 14-15, and ed., *A Decade of Negro Self-Expression* (Charlottesville: Slater Fund, 1928).

[49] Isaac B. Berkson, *Theories of Americanization* (New York: Bureau of Publications, Teacher's College, Columbia University, 1920); and Julius Drachsler, *Democracy and Assimilation* (New York: Macmillan, 1920).

[50] *Beyond th Melting Pot* (2nd ed.; Cambridge: The M.I.T. Press, 1970), p. xcvii.

[51] Richard D. Alba and Gwen Moore, "Ethnicity in the American Elite," *American Sociological Review* 47 (June 1982): 381.

[52] See Daniel J. Elazar, "American Federalism Today: Practice versus Principle," *American Federalism: A New Partnership for the Republic*, ed. Robert B. Hawkins, Jr. (San Francisco: Institute for Contemporary Studies, 1982), pp. 37-58.

[53] Richard Lowenthal, "Pluralism versus the Common Weal in the Industrial State," *Survey* 25 (Autumn 1980): 102.

[54] Nathan Glazer, "Federalism and Ethnicity: The Experience of the United States," *Publius: The Journal of Federalism* 7 (Fall 1977): 85-86.

[55] Crawford Young, *The Politics of Cultural Pluralism* (Madison: University of Wisconsin Press, 1976).

5.

The Local Community: An Arena for Citizenship in the Federal System

Robert H. Salisbury
Washington University

Citizenship is of two kinds: republican, whereby citizens participate in order to create and maintain the institutions and processes of civil communities without which they could not effectively pursue their private interests; and instrumental, whereby participation is directed toward securing individual and group rights and benefit in a context of conflict with others. Republican citizenship rests upon substantial homogeneity of interest; instrumental emerges after that homogeneity is destroyed. Many American local communities have been founded by socially homogeneous groups, and a major dynamic in the process of their creation and defense has been the desire to protect that social homogeneity against the many diversifying forces of social growth and change. Insofar as that effort has succeeded it has also generated the conditions necessary for the practice of republican citizenship and the realization of some of its real, if limited, benefits. But the forces of pluralism and social differentiation have always been strong and few communities have been able to remain untouched. As conflict arises locally the instrumental appeals to other larger arenas of decision, where the balance of political power may be different, soon follow. Thus the intergovernmental politics of federalism is tied to the configuration of local community interests, and so is the kind of citizenship that informed Americans will learn to practice.

All democratic governments are arenas of civic action. Individuals and groups contend in each arena for the prizes that can be won there, and the actions they take are the activities of citizenship. The prizes are the rewards, material and symbolic, that the authority of a given arena permits to be awarded. To continue the metaphor, in the United States there is an exceptionally large variety of arenas with significant differences in the scope and substance of prizes available. In a very important sense, this is the essence of federalism; multiple arenas of action—national, state, and local—with each having limited authority to allocate some values but not others among interested claimant citizens. In turn, this means that citizens must continually assess which arenas are the most appropriate settings for them to pursue whatever goals they have. That assessment must take into account not only which prizes can be won where, but what political resources can be mobilized in one arena as against another.

The specific nature of American federalism, much less a matter of constitutional law than of historical tradition and continuing political reality, has been characterized by the profusion of more or less autonomous local governments—arenas with limited but meaningful policy prizes to win. The creation and re-creation of these arenas has been an extremely important part of American civic experience with a meaning often neglected or misunderstood. But the local governmental arenas do not stand by themselves, like football stadiums or the Roman Colosseum, monuments to be admired and occasionally filled with cheering throngs. Civic institutions take their meaning from the activities people engage in to create them, sustain them, and use their authority to generate public policies of one kind or another.

In short, government derives its significance from the kinds of citizenship undertaken by those who live in and are affected by the public authority in question. A richly endowed arena of broad scope, like the federal government, will attract the active interest of many competing groups scrambling for the prizes. A small institutional setting with limited authority to act may attract few contenders.

Citizen action is never automatic, of course; just because the stakes are potentially very high does not assure that everyone will enter the contest. Nor will all of us understand correctly which arenas offer the best choice of securing the prizes we deem most valuable, and hence we may invest our civic energy inappropriately. In any event, the central idea employed here is one in which citizenship consists of people creating and making use of governmental arenas, including local arenas, to realize their diverse purposes. In so doing, they employ such resources as may be available to them—votes, money, rhetoric, protest, and so on—all of which can be subsumed under the heading of citizenship action.

In completing this introduction, let me outline two quite different conceptions of citizenship which have especially important applications to the consideration of local political communities.[1] One form we may call *instrumental* citizenship. We refer by this term to the familiar activities whereby individuals, groups, and organizations pursue their own interests, seeking to persuade governmental officials to decide in their favor and, if there is opposition, against the other side. Self-interested citizens need not invariably be selfish. Common Cause, environmental groups, and the prohibition movement have all sought public policies from which they would not personally derive specific benefit, but they did hope to see their values embodied in policy and they all have had opposition. Instrumental citizenship thus is rooted in political disagreement. The citizen acts in order to obtain some substantive policy result that others resist. Votes are mobilized, lobbying campaigns mounted, coalitions constructed, demonstrations organized, and so on. The forms of action are familiar to us, and we are quite accustomed to linking them with policy objectives.

There is a second conception of citizenship, however; and, especially with reference to local government, this conception has been widely admired and practiced throughout American political experience. We shall refer to this as *republican* citizenship. Republican citizenship involves active civic participation, but it is not primarily intended to achieve particular policy results. Rather its essential purpose is to create and maintain the institutions and processes of community governance. The republican citizen serves, doing his or her civic duty, because of the deeply held conviction that without a viable community no private interests can effectively be secured. That is, unless the "system" works, one's own self-interest cannot be achieved, and so one must pitch in to make it work. Public service, from this perspective, does not spring from a sense of *noblesse oblige*, nor from private ambition or the quest for group advantage. Republican citizens regard civic duty as the job of everyone, and see all citizens as having an essentially equal share of both the obligation to serve and the responsibility for keeping the political order in effective working condition.

The idea of republican citizenship has its roots in the theories of Aristotle and the practices of Athenian democracy, and as Donald Lutz suggests elsewhere in this collection, it was integral to the thinking of Jefferson, Adams, Madison, and indeed most of the Founding Fathers. For many Americans that conception may now seem mainly of antiquarian interest, as modern politics appears to consist overwhelmingly of instrumental action in behalf of self-interest. In the course of the following discussion, I will argue that local political arenas not only have been created but are still very largely maintained and made to work by the devoted actions of republican citizens. This argument carries with it a very important pedagogical message as well; namely, that students must learn that while self-interested citizenship is very often the appropriate and relevant focus of effort, in other situations civic duty is also necessary. Civic education should exclude neither type of action. The rational and concerned democratic citizen must be able to tell the difference and to know how to practice both modes of citizenship without either cynicism or despair.

In this essay, I hope to show that much of the community experience in the American federal system is an expression of both types of citizenship, republican and instrumental, and the tensions between them. We begin with a discussion of the role of republican citizenship in the founding of communities. This discussion then leads to the thesis that social homogeneity has very often been a precondition of effective community-making and a principal objective of republican citizenship. We then consider the thesis of the American system as a pluralistic society of instrumental citizenship; however, this thesis is found to be inadequate. In the course of this discussion, I will argue that the quest for homogeneity and conformity has impelled not only the creation of communities but also their maintenance, precisely because of the influence of pluralism in the larger arenas of state and national politics.

The Constituting of Communities in America

From the founding of Jamestown and Plymouth down to the planned communities of today, Americans have been at work creating their local communities by official action, endowing them with legal indentity and authority, and, in the process, establishing arenas of citizenship in which people could contend for the things they value. This reliance on formal legal action to establish communities was not inevitable. In many societies it has been more common for local settlements to develop slowly through more or less unplanned processes of accretion. In the prototypical case, function tended to generate the urban formation rather than the other way around, as a transportation junction, a religious institution, or a defense outpost might give rise to a larger community. But America was a new country, lacking the centuries of social history and established institutions. Moreover, we lacked a feudal past, and the deep social divisions that grow out of that kind of history. This factor is often held to explain the broad acceptance of a Lockean liberal ideology. It also has meant that many of our communities were founded before their functional feasibility was even known, much less the dominant factor.

Community founding in America has followed several distinct patterns depending on when, where, by whom, and for what purposes the founding occurred.[2] For example, the Puritans of New England were anxious to assert the autonomy of local institutions against any more central authority, in part because they had so recently experienced in England the struggle in which Charles I attempted to centralize authority. Two centuries later, however, on the frontier of Michigan, Florida, Arkansas, and eventually much of the Trans-Mississippi West, it was the federal government that "remained the paramount force in solving the many problems associated with the frontier condition."[3] New England towns were created as covenanted moral communities while many in the South and West were designed from the start as commercial ventures.

During the Progressive era, municipal reforms witnessed the creation and re-creation of many units of local government in which the dominant design criterion was efficiency, and the dominant social group benefiting disproportionately from the structural changes was the middle class. Recent scholarship has emphasized (perhaps unduly) the deleterious effects of Progressive era changes in local government on citizen participation, noting that as the points of access to local authority were consolidated in the name of efficiency voting turnout shrank,[4] especially among the working class, and governmental responsiveness suffered.

Americans are still creating local communities, constituting them officially as authoritative governing units, in large numbers. Nowadays, this process seems directed more often toward merger and consolidation of local units than toward making new towns or districts. But as recently as the 1950s the incorporation of new suburan municipalities and special districts was a familiar experience, and in the preceding three and one-half centuries there was hardly ever a time when counties, towns, school districts, and other local governments were not being established somewhere. As a rough estimate, the total has probably been close to 150,000. And this is in marked contrast to the infrequency of nation-building or state-making. However dramatic the constitutional period of the 1780s was, it occurred only once, and we have made only five new states in the twentieth century.

There is a more important point here than simply the numbers and frequency of community foundings. Each governmental unit provides an arena in which people may act, seeking to utilize the authority of the unit for their purposes. At the same time each governmental unit in a democratic society requires its residents, or some of them at least, to serve, hold office, and exercise the authority of the body. Thus each is an arena for both forms of citizenship, republican and instrumental. That is, the very fact that we have made so many distinct and separate local units has enormously increased the opportunities for civic action,[5] and, while making it necessary for citizens to participate, we have also made democratic citizenship considerably more complicated than it otherwise might have been.

Why should Americans, more than any other people, have created such an extraordinary profusion of local governments? Part of the reason, no doubt, has been the necessity of governing a large and diverse society, located in a huge land mass with great variation in physical and social circumstances. Part has been the consequence of a federal structure of institutional authority which makes ample room for new communities and governmental structures to be established and to function without much centralized direction or control. In part, the explicit construction of legally defined local jurisdictions is made necessary by the absence of long-established norms and customary conceptions of who has the authority to do what and to whom. In the Progressive era, a frequent justification for establishing independent school districts and a variety of other reorganizations of local governmental arenas was the need to remove the function in question from "politics."[6] I want to suggest that in addition to these factors a more encompassing and powerful force has been at work, and provided much of the meaning these other partial explanations contain. My thesis is this: *the American community founding process has sought to create homgeneous cultural groups.*

The United States has been and is, in Robert Wiebe's terms, a segmented society,[7] and a very large portion of the segments are and have always been local. Each has sought to create an island of like-minded people, separated from one another spatially and sociologically, governing itself within boundaries by consent and often consensus but, when necessary, operating to suppress dissent and interest conflict as they might arise. New England towns were established by covenant, and newcomers were subsequently admitted only after signing on. It was not only the covenant that bound people together, however. As Thomas Bender points out, membership in the town "was fundamentally spiritual and experiential, often based upon previous and long-established friendship."[8] When a town grew more diverse it was not uncommon for the new elements to be "hived off" producing two "purer" communities where before there had been only one. In the Middle Atlantic colonies also, cultural group segregation was the norm. Later, as ethnic and religious diversity grew more marked in the nation as a whole, individual communities continued to display astonishingly little internal social diversity. It was far more common for a midwestern town of the nineteenth century to be overwhelmingly Methodist or Lutheran, Scandinavian or Yankee, than to display any significant amount of cultural pluralism. Even today, of course, ghettoization is not unfamiliar. Cultural homogeneity within particular suburbs or urban neighborhoods, often enforced by zoning and districting arrangements, is seldom either complete or lasting, but it obviously continues to be a powerful norm affecting the lives of millions of Americans of all classes, races, and cultural backgrounds.

This effort to establish homogeneous communities and to defend their homogeneity against the forces of diversity has had enormously important implications for many facets of American political life. It has inspired generations to clamor for states' rights and other rhetorical versions of local autonomy in order to keep control over "our" affairs in the hands of people "like us." It has led to suburban sprawl, as earlier it encouraged successive waves of outward movement inside city boundaries by the urban middle class. Today it fuels the defense of neighborhood schools, and while there is certainly a component of racism in that defense the drive toward homogeneity goes well beyond race to include ethnic, religious, social class, and other cultural elements as well.

From this perspective the establishment of functionally specific local districts, typically justified as efforts to insulate them from partisan or "special interest" politics, can be seen in another light. Autonomous school districts, in particular, provided an institutional framework in which educational interests did not have to cater to competing social groups but could design the "one best system" of programs for a presumptively unitary community according to a unitary standard of professional values.[9] Even though the school districts were not really homogeneous, therefore, they could be treated as though they were for purposes of elementary and secondary education. Similarly, sewer districts, park districts, and other such arrangements could pretend there was no group conflict within their jurisdictions because their governing arrangements effectively screened out most of the particularistic demands and conflicts. Efforts to establish metropolitan area structures for broader governmental purposes, on the other hand, have generally foundered in America, precisely because, in the proposed new and far larger and more diverse arena, political uncertainty as to outcomes would jeopardize so many of the spatially concentrated interests in the area, each of which controlled its own territorial jursidiction, however restricted its capacity to act effectively.

The culturally homogenous community provides a very particular and quite limiting kind of arena for the practice of citizenship. Given homogeneity, it is an arena in which broad consensus may be assumed and conflict regarded with suspicion. It is an arena in which it is difficult to challenge established patterns, in which those who do may be branded as troublemakers and, if they persist, encouraged to exit.[10] Further, it is an arena in which, lacking mechanisms for competition or protest and without the normative acceptance of social conflict, potential problems or incipient conflicts are often ignored or papered over. Robert Wood once characterized suburban politics as having these features.[11] I am suggesting that they have been characteristic of all local community development throughout the American experience.

The homogeneous community is also a setting in which community service is relatively easy to undertake. Since cultural and other barriers do not block or constrain ambition, one may move in and out of civic life, neither threatening nor enhancing one's private values but "doing one's duty" to keep the communal enterprise afloat. That is, this consensual community is the natural locus for republican citizenship. From Aristotle through Jefferson, the advocates of this form of civic virtue assumed that a necessary feature of a virtuous republic was a rough equality of status and condition among its citizens. Without that equality, the striving, conflict-oriented, competitive citizenship of instrumental action in pursuit of scarce values might be the only kind that makes sense. In a diverse, pluralistic community, instrumental citizenship will typically predominate, and the larger the unit the more likely will be, as Madison tells us in *Federalist* No. 10, a diversity of factions and interests. Republican citizenship can flourish only among relative equals, and only in culturally homogeneous groups is equality of status not an open issue. This, I suggest, is the underlying logic, from the perspective of civic theory, that has driven American community-building.

We must keep in mind that in a sense American social history has been dominated by a continuous process of social differentiation as new cultural groups came to our shores, new economic classes emerged in the context of capitalist expansion, new interests were differentiated and institutionalized in corporate and organized group form, and the scale of almost every collective enterprise grew larger and larger. Those forces of diversification have surely affected every part of the land so that even the most out-of-the-way places in Mississippi or Maine have been "modernized"; i.e., have encountered enough social diversity that at least some of the old consensus has broken down and a certain amount of pluralism is tolerated. Over the long run, however, these diversifying forces not only have been resisted in local communities (and indeed in states as a whole so long as they were substantially homogeneous), but they have also been resisted in significant degree *by means of* creating new communities.

Homogeneity and Pluralism in the Federal System

My emphasis on homogeneity may seem peculiar inasmuch as the predominant concept long associated with American social development has been pluralism. Madison, Tocqueville, Calhoun, and a great many others, past and present, have stressed the diversity of cultural streams that have produced the multi-colored American social fabric.[12] Moreover, a central principle governing the constitutional design was precisely the need to accommodate and control the effects of diverse factions and groups. Cultural pluralism, regional differences, religious diversity, associational profusion—all are hallmarks of the nation, past and present. Nevertheless, it is in the nation as a whole that pluralism can be seen, not necessarily in a given community

The quest for homogeneity has energized the creation of distinct local governments precisely because in the larger arenas of state and, especially, nation, there was such pluralistic richness. Establishing and protecting local authority was the only way to preserve the autonomy of the locally dominant group, and, in one community after another, that group was so overwhelmingly strong that pluralism was a meaningless phrase. Massachusetts was not originally pluralistic. For decades Utah had little experience of religious pluralism, and neither did the overwhelmingly Catholic, Lutheran, Baptist, Methodist, or Congregational towns elsewhere. Even today the religious map shows that in large parts of the nation one denomination claims over 50 percent of the church adherents.[13]

The growth in aggregate American social diversity has generated two distinct tensions with this homgeneity orientation. One is the tension that underlies federalism, which arises even though in a legalistic sense local government has no constitutional autonomy vis-à-vis the nation. The tension here is between the diversity of groups and the differently weighted political mix of those groups operating in the state or national arena and the homogeneous community whose values are in some way out of step. The result is often that in the larger and more inclusive political arena groups prevail which could not win in the local arena and they then make demands for local actions which local elites do not like.

Local autonomy is pitted against national standards in many substantive areas of public affairs, and in each there is this tension between local homogeneity and national diversity.[14] Wiebe has argued that in modern times this tension has often been expressed as a conflict between the relatively tolerant liberal accepting values of national elites and the much more insular views of the "locals."[15] The national perspective stresses interdependence and an emphasis on abstract rules and impersonal forces. The local view holds on to personal relations, homogeneous values, and suspicion of outside "alien" forces. Localism need not always mean parochialism, however, nor do the forces of good inevitably control the national scene.

The second tension comes from the processes of fission and diversification that have affected the local community itself. Former social, ethnic, or religious monopolies have given way before mobility of population, growth, and change. The modal response to this tension, as we have noted already, is the "hiving off" process, incorporation of a new community, schismatic separation of a religious congregation, moving to a new neighborhood, or perhaps just closing down street access to an area "threatened" by social change.

The quest for homogeneity, however strong and enduring, has ultimately foundered in most parts of America, or at the least grown more difficult to achieve. Diversity of values and expanded zones of tolerance for that diversity have gradually displaced an insistence on the one true way. Or it may be that a middle class town now accepts racial and religious pluralism but not social class pluralism. Local minorities have made increasingly effective use of the tension of federalism, appealing their case, both legal and political, to the broader national arena and using the national levers of power to alter local policy. But the fact that even in the local community most forms of pluralism have increased does not alter the related fact that the tradition of community-building in America has been (and, where new subdivisions are built today, still is) rooted in the desire for cultural homogeneity. And further, some forms of citizen action make sense only in a context of substantial homogeneity of values and statuses.

Community Purpose, Community Attachment and Citizenship

The segmented society perspective of Wiebe and others is considerably broader than needed here, for it extends to all kinds of communities—those found in the professions, in large corporations, in academic departments, and any place else where shared norms bind some people together and exclude others. Wiebe argues, for example, that as the normative unity of local communities broke down in the late nineteenth and early twentieth centuries the rise of professional, corporate, and other large organizational milieus provided mechanisms to preserve autonomy and value cohesion, albeit with rather different justifications.[16] From the perspective of local governments, these functional communities, cutting across and severely weakening the lines of local attachment, posed a basic problem. How could loyalty to the home town be claimed against a "higher" loyalty to one's career? How could the commitment of active local citizenship be expected from one whose morally compelling community was no longer where he lived but with his professional peers? And, if most of the residents who were linked to trans-local communities pursued their main concerns in those arenas, who would be left to display the civic virtue necessary to govern the community?

One answer, of course, is to abandon the local community as an instrument of autonomous government and turn it into an administrative sub-unit directed by state or national elites. In this event, groups with effective access to those elites may gain their purposes quite nicely (and sometimes not so nicely), and utilize the standard methods of instrumental citizenship to do so, namely, voting, campaign contributions, pressures on congressmen, and so on. Those local residents lacking access or ineffectual in exploiting it and who dislike the policy results may move to a more congenial setting where their values prevail. National or state domination need not, in the American case, mean uniformity of policy. The same groups do not win out every time or in every place. Insofar as national programs have dominated the scene since the New Deal, as many argue they have, they still tend to be allocated in disaggregated constituency-specific ways, subject to differential political pressures from diverse groups. What nationalizing of political action has occurred does not mean the end of effective citizenship, but it does virtually limit the citizen to instrumental action. The republican virtues of creating the institutions, vitalizing the processes, and serving the needs of the society are hardly relevant for more than a handful at best if the locus of significant decisionmaking is Washington, D.C.

Republican citizenship, for most Americans, is practical primarily in the local community. Let us be clear what this means. First, it means that largely voluntary service intended to help make authority function effectively will be an option available to most people only if there are quite large numbers of governmental units with sufficient autonomy to make participation more than a sham. Second, however, the substantive purposes that such a government can accomplish may, because of resource limits or the dominant values, be quite limited. There may not be enough money or enough effective control to do what is needed. Republican service does not guarantee satisfaction on instrumental grounds. Third, since rough equality of status is required for sustained republican virtue, the community must be quite homogeneous in its values. It cannot tolerate much conflict, partisan or otherwise.

These conditions were generally met in American communities prior to the modern era, as we have seen, and there is certainly a significant residue left. But consider some other characteristics of such segmented, insulated communities where republican citizenship could thrive. If conflict was suspect then wide ranging debate over alternative courses of action could hardly be expected. The town meeting model has too often been depicted as one where debate was encouraged and the vigorous joining of issues was a regular feature of life.[17] Not so, nor could it be. The rarity of meaningful political argument in America stems precisely from the fact that each American has grown to political maturity among people with whom most values were shared.[18] Disputes occur only at the margin of each community's consensus. There are multiple communities and each may have a somewhat different set of core values, but insofar as each segment remains separate from the other no "real" debate need occur, nor can it.

A corollary of this point is that dissent within the consensual community is commonly either repressed or treated as a harmless eccentricity. In either case it is not taken seriously. This is supremely ironic. It means that in a society that so values the liberty of each community against the interference of others, the individual within each community has little freedom to express opposing views. In the early days of covenanted communities, it was fairly easy for a non-conformist to confess error and be welcomed back, but without penitence there came expulsion. Running people with locally unpopular views out of town is an American practice with a long history, notwithstanding the First and Fourteenth Amendments.[19]

The paradox of community autonomy resting upon individual conformity reveals, on the one hand, the very real limits that may be accomplished in terms of substantive purposes by means of republican citizenship. If one cannot argue much or openly disregard the dominant norms, what good is the opportunity to serve as an active community-building citizen? Or, to put it differently, why should we not regard this so-called republican virtue as a cover, a mask that hides the status quo power distribution and suppresses any challenge to those who benefit from it? The answer is, first, that republican ideology is not, despite its association with the American Revolution, an ideology of social change. It is, as Cicero and Jefferson both hoped it would be, an ideology of social stability and decent order. Civic duty sustains the institutional framework of community life. It is supportive—indeed, patriotic—rather than being designed to criticize or attack the broad patterns of society.

Second, since Aristotle, active citizenship has often been held to be a basic necessity for individual development and self-actualization. The conditions that appear to characterize the republican milieu may set quite distinct limits to how far and in what directions individual growth can go. Participation may well enable the individual to become more fully human only as that is defined by the norms and values dominant in his particular community. Insofar as the human potential requires engagement in conflict or striking out in novel directions, republican citizenship cannot assist.[20] Nevertheless, within those limits there is much testimony in support of the view that an active civic life expands the individual value and satisfaction of that life. And it follows that in the United States the very profusion of local governments, resting as it has on the voluntary participation of the citizens, has been the main structural foundation of this Aristotelian self-realization.

Two further aspects of what we are calling republican citizenship underscore its importance for present-day communities in the American federal system. One is the fact—at least it is probably true though no systematic social science has really been utilized to test it—that despite great spatial mobility Americans tend to derive a significant part of their social identity from their "home town" or local neighborhood. Moreover, there appears to be a powerful tendency to value that place of origin very highly indeed; to regard it as "the best little" town/neighborhood/city/etc. in the country/world. The opportunities for armchair theorizing and pop social psychologizing about American identification with place are immense, and pending the availability of serious evidence, should probably be resisted. It may be noted, however, that insofar as one's local community is a central point of self-defining reference, it may not be foolish to work as an active citizen in order to make that community as attractive and highly regarded as possible.

The second point to make here is supported by contemporary social science data. In recent years, reversing earlier patterns, Americans have come to trust local governments more highly than state or national authority.[21] In a period when trust in authority generally has suffered severe decline, and when the power of local government to deal effectively with most of life's problems may reasonably be doubted, it is a bit startling to discover that the trust factor has held up so well. Perhaps what this means, however, is that, whatever the "objective" functional concerns of modern life may seem to be, many citizens continue to seek and value the attachment to accessible local institutions in which they may play a part, a part reflecting their continued commitment to the norms and obligations of republican citizenship.

Instrumental Citizenship in the Local Community

For two centuries or more, the dominant motivation underlying active citizenship in Western democracies has been presumed to be instrumental, that is, people take part or attempt to in order to secure some service, status, privilege, or right that without civic action would be denied them. The history of suffrage extension and especially the efforts by American blacks to obtain their full civil rights amply illustrate the point. With respect to citizenship in the local community, however, the instrumental case for action is not without complication. Two issues may be noted. First, there are today a great many goods, services, and needs that cannot be provided by local government unaided no matter how powerful politically a group may be. Blacks have been elected mayor in Newark, Gary, East St. Louis, and Mound Bayou as well as Chicago, Detroit, Atlanta, and Los Angeles, but the citizens of those places, who were impoverished before, find their condition little improved on average by access to local political power. They might well be entitled to ask what good it had done them to be good citizens. The decisive arena of action for a very large share of the economic goods and services provided by public authority is clearly national not local.

A second factor helping to weaken the instrumental impact of local citizen participation is the relative ease of exit from any particular jurisdiction. Why struggle in one city to gain power, especially group power, when it is so much easier to move to a community where your group already has power? Such is the logic of much of the schismatic town founding which, as we have noted, has been so prominent a feature of American civic history. The exit option has also been the obvious choice of large segments of the middle class who fled central cities for suburban refuges against one wave of immigrants after another. Historically, the flight was almost entirely white and during the past forty years or so the effect was mainly to segregate communities on the basis of race. Most recently, however, black middle class citizens have also exited in quite large numbers, leaving the city versus suburb differentiation more sharply defined by social class than by race as such.

The point, of course, is that to secure lower crime rates, better schools, nicer parks, and newer street lights it may well seem easier to move to where they exist by reason of the class composition of the community than to fight for them through political activity. As a consequence of, or at least in full compatibility with, this perception, voting turnout, the most direct measure we have of local level citizenship, is consistently and substantially lower for local elections than for state or national contests.

Nevertheless, many people do vote in even the most lackluster local elections and sometimes, as in the 1983 Chicago Democratic primary, participation reaches very high levels indeed. Some of the voting turnout may well be motivated by the norms of civic duty (republican citizenship), but there are instrumental goals as well that local action can rationally be seen to affect. First, there are jobs. Local governments employ nearly nine million people (just over three million are teachers). Political participation is not always or everywhere a necessary condition for obtaining or keeping one of those jobs, but it has been known to be of some use. One category of local government job is that of elected official of which there are, according to 1977 figures, some 475,344 in the country. Active citizenship is certainly required to obtain these positions, and while most Americans seem not to harbor ambition for office the supply of aspiring candidates remains quite substantial.[22]

A second bundle of instrumental objectives toward which citizen action may be directed is the array of goods and services provided by local authority. Even though the figures seem dwarfed by the defense budget or federal welfare expenditures, the amounts of money and especially perhaps the salience of locally determined services remain significant. The recent literature examining how much effect political pressure has on service distribution has not provided conclusive answers and there is surely much variation over time and among communities.[23] Nevertheless, it is not mere democratic mythologizing to suggest that civic participation bears some instrumental relationship to local service levels and the satisfaction therewith that citizens enjoy—or complain of.

Finally, we should note a somewhat more indirect but nevertheless important instrumental effect of autonomous local community citizenship. Despite their economic and social vulnerability, local officials possess substantial legal authority to act in geographically defined jurisdictions in which that authority operates. In short, they have turf, literally and symbolically. They are concerned to protect that turf and to secure the resources necessary to serve its needs and demands. In effect, by constituting local communities and conferring upon them significant autonomy, we have at the same time created an array of vested interests with built-in lobbyists who will work at every level, public and private, to enhance those interests.

In recent years, the organizations of public officials have greatly expanded in number and perceived political impact. The U. S. Conference of Mayors, the National League of Cities, the National Association of Counties, the American Federation of State, County and Municipal Employees (AFSCME), the National Education Association, unions of firemen, police, and other workers—all of these and more have helped build a structure of public policies which, wherever the decisions are formally made, greatly enlarge the resources and protect the continued autonomy of action and authority of the local community. Thus, despite all the nationalizing and centralizing forces at work in the modern world, the American political process continues to reflect the instrumental impact of local political action.

Yet there are limits to what even the most vigorous and sophisticated political action can achieve. Ghost towns and abandoned villages reflect not only the forces of social change but often the failures of politics as well. The struggle to prevent school closings in the 1980s lest the neighborhood suffer decline had its analogue decades earlier when the little red school houses were consolidated out of existence. No matter how big a vote there is or how much protest, some policy changes grind on inexorably. Citizen action even then can play a part, of course, helping to guide and shape the direction that consolidation and centralization processes take, but it is not a sufficient guarantee of success. Not only are different citizens often on different sides of an issue, but citizenship alone does little to build houses, create jobs, or discover new energy resources. It is vital that citizen education convey both the possibilities of civic action and its very real limits.

Toward a Conclusion

In the contemporary world, the melodrama of national and international politics so dominate the civic theatre that serious attention to the local community has come to be regarded by academics, journalists, and many thoughtful citizens as either eccentric or an exercise in nostalgia, a harking back to simpler days. In a technologically sophisticated, interdependent world, the local community seems at the mercy of forces beyond its control, powerless to resist the tides of fortune, good or ill. The ocean provides political society with its most apt metaphor: vast, mysterious, powerful, often cruel, immensely promising but never bothered by any particular fish or ship or social reformer. So, from a world-historical perspective, the local community and its citizens may appear to have little to say or contribute, either to the fate of mankind at large or even to one's own particular condition.

If this perspective were the most appropriate one from which to view the end of the twentieth century, there would be little point in urging young people to take part in the civic rituals of participation in their local community, or to build a more satisfying life by working with one's neighbors. If multinational corporations, the arms race, and Malthusian population pressures really shaped our future, to teach students that they have an obligation to revitalize their local communities through hard-working citizenship might be merely to invite their cynical disbelief in the dogmas of democratic faith.

Even if it were true that the functional requirements of modern life could no longer be met from the resources available within local jurisdictions, it might still be possible to draw the money and authority from the larger public and carry out important programs on a decentralized local basis. The war on poverty of the 1960s was based, in part, on this assumption, and its record suggests two basic problems. One is political and pragmatic; it is difficult to sustain a program that taxes at one level and spends at another, where different groups benefit and different political constraints operate at one level compared to another. And, second, if the *real* authority is national, with local units having little choice about what to do or for whom, there is not much room for meaningful citizenship in the subordinated local community. To encourage local citizenship then would be to invite frustration and more democratic rage than commitment, and this is often what occurred in local community action programs.

Many observers have argued for some time that in American urban communities the social cohesion and moral consensus necessary for effective republican citizenship has, in any case, long since broken down.[24] In this view, the modern city is a place of alienation and anomie, not of community; of inequality and Hobbesian conflict, not of shared concern to build and keep the institutions of civil society. If the local community is not a viable locus of citizenship, it makes sense to evaluate it in terms of the efficiency with which services are provided, environmental quality is maintained, and life chances improved for its residents. The uses of local government will be regarded more as matters of convenience than as institutional arenas necessary for the very existence of citizenship practice.

Yet American local communities continue to exist in rich profusion, resisting the tendencies to consolidate in the name of efficiency, a tendency so readily observable in the corporate business world. The local arena still provides the occasion for active civic participation for large numbers of people. I suspect this persistence is not simply the result of inertia, nor of the resistance of local office holders anxious to retain their petty principalities. The quest for homogeneity is still part of the dynamics of the United States, and the local community is still its chief institutional mechanism. Americans still value the instrumental values they can secure locally: the zoning change, the street repair, the nuisance abatement, the pupil assignment (sometimes), and even, still, the job. Active citizenship in the local community cannot accomplish everything we need or hope for, but, as the founding generation of America saw so clearly, it can still mean a great deal to the quality of our lives.

Endnotes

[1] A fuller discussion of these conceptions of citizenship may be found in two earlier papers of mine: *Key Concepts of Citizenship: Perspectives and Dilemmas* (Washington, D.C.: U. S. Office of Education, 1979); "Republican Virtue and Affirmative Citizenship," paper presented to the Conference Group on Political Theory, Washington, D.C., 1980.

[2] In this discussion I have drawn on the work of many scholars. Among those I found particularly helpful were Page Smith, *As a City Upon a Hill* (New York: Alfred Knopf, 1966); Thomas Bender, *Community and Social Change in America* (New Brunswick, N.J.: Rutgers University Press, 1978); John Rep, *Town Planning in Frontier America* (Princeton, N.J.: Princeton University Press, 1965); and Malcolm Rohrbough, *The Trans-Appalachian Frontier* (New York: Oxford University Press, 1978).

[3] Malcolm Rohrbough, *The Trans-Appalachian Frontier*, p. 220.

[4] Actually, I do not find that Schattschneider, Burnham, and the other scholars who have described the decline in voting after 1896 make much of this point, but it is surely a logical component of their argument concerning "the system of 1896." See E. E. Schattschneider, *The Semi-Sovereign People* (New York: Holt, Rinehart and Winston, 1960) and Walter Dean Burnham, *Critical Elections and the Mainspring of American Politics* (New York: W. W. Norton, 1970).

[5] In his celebrated analysis of American civil society Alexis de Tocqueville placed much emphasis on the importance of local institutions as schools of responsible citizenship essential to meaningful liberty. *Democracy in America*, Phillip Bradley, ed. (New York: Alfred Knopf, 1945), especially in Volume 1, Chapter 5.

[6] See the analysis of Samuel P. Hays, "The Politics of Reform in Municipal Government in the Progressive Era," *Pacific Northwest Quarterly* 55(October 1964): 157-169.

[7] I cannot express too vigorously my admiration for Wiebe's *The Segmented Society* (New York: Oxford University Press, 1975). More than his other admirable works, *The Search for Order* (1967) and *Businessmen and Reform* (1962), *The Segmented Society* offers a most persuasive and remarkably holistic interpretation of the essential American experience and it is a provocative delight to read and to ruminate upon.

[8] Thomas Bender, *Community and Social Change in America*, p. 64.

[9] See David Tyack, *The One Best System, A History of Urban Education* (Cambridge, Mass.: Harvard University Press, 1974).

[10] See Albert O. Hirschman, *Exit, Voice and Loyalty* (Cambridge, Mass.: Harvard University Press, 1970).

[11] Robert Wood, *Suburbia, Its People and Their Politics* (Boston: Houghton, Mifflin, 1958).

[12] The essays by Daniel J. Elazar, John Kincaid, and others in this collection, also address the implication of cultural diversity for the theory and practice of civic education.

[13] See Douglas W. Johnson, Paul R. Picard, and Bernard Quinn, *Churches and Church Membership in the United States* (Washington, D. C.: Glenmary Research Center, 1974).

[14] I am paraphrasing the language sometimes employed by the Supreme Court in its struggle to find acceptable verbal formulas to resolve obscenity disputes, among others. For the most part, the Court in recent times has insisted on a simple interview standard, for example, in cases involving race, defendants' rights or, usually, religion. In obscenity issues, however, the *Miller* case restored the legitimacy of "community standards" as one criterion. I take this to indicate that despite setbacks on the issue of neighborhood schools, the local homogeneity cause is not wholly abandoned. See *Miller v. California, 413 U.S. 15 (1973)*.

[15] Wiebe, *The Segmented Society*, p. 107, *passim*.

[16] See also Burton J. Bledstein, *The Culture of Professionalism* (New York: W. W. Norton, 1976); Paul Starr, *The Social Transformation of American Medicine* (New York: Basic Books, 1982); Peter D. Hall, *The Organization of American Culture, 1700-1900* (New York: New York University Press, 1982); Alexandra Oleson and John Voss, eds., *the Organization of Knowledge in Modern America, 1860-1920* (Baltimore: The Johns Hopkins University Press, 1979). One is tempted also to regard the home rule movement for local government as part of this same process of developing insulation against the forces of diversity and conflict. Home rule for cities and professionalization did occur together in time and surely shared many basic value orientations.

[17] For an encomium to this model of disputatious town meeting democracy, see Paul Y. Ylvisaker, "Some Criteria for a 'Proper' Areal Division of Governmental Powers," in Arthur Maass, ed., *Area and Power* (Glencoe, Ill.: The Free Press, 1959), pp. 27-52.

[18] Although many have remarked the decline of political oratory in America this interpretation has not commonly been offered. I do so here with some trepidation, therefore. For a recent survey of the American oratorical tradition, see Barnet Baskerville, *The People's Voice, the Orator in American Society* (Lexington, Ky.: University of Kentucky Press, 1979).

[19] The Supreme Court has almost never provided unpopular speakers even doctrinal protection against a hostile audience. And from Roger Williams to the antebellum abolitionists (see Russell B. Nye, *Fettered Freedom*, 1963) on to the Viet Nam protesters this "tradition" has remained operative. It is true, of course, that a much larger share of the population today affirms the values of tolerance for dissent, but this is a distinctly modern development, not an outgrowth of the dominant tradition of American life.

[20] For a persuasive statement regarding the importance of conflict in stimulating the growth of effective civic consciousness, see W. Lance Bennett, *The Political Mind and the Political Environment* (Lexington, Mass.: Lexington Books, 1975). At the same time, however, it may be that the citizen in office who struggles to figure out a solution to a community problem may grow as much as one who argues fiercely with his neighbors over what to do. In other words, the conflict Bennett and Ylvisaker praise may be found in the battle against uncertainty as much as in dialectical debate.

[21] Between 1968 and 1976 the proportion of Americans expressing greater confidence in national rather than in state or local government dropped sharply—from 43 percent to 29 percent for whites and from 59 percent to 29 percent for blacks. See David B. Hill and Norman Luttbeg, *Trends in American Electoral Behavior*, 2nd ed. (Itasca, Ill.: F.E. Peacock, 1983), p. 125.

[22] The best study of recruitment of candidates for local (or any other political) office remains Kenneth Prewitt's *The Recruitment of Political Leaders: A Study of Citizen Politicians* (Indianapolis: Bobbs-Merrill, 1970).

[23] See, *inter alia*, Kenneth R. Mladenka, "The Urban Bureaucracy and the Chicago Political Machine: Who Gets What and the Limits to Political Control," *American Political Science Review* 74 (December 1980): 991-998 and Bryan D. Jones, "Party and Bureaucracy: The Influence of Intermediary Groups in Urban Public Service Delivery," *American Political Science Review* 75 (September 1981): 688-700.

[24] This was the classic view of the "Chicago school" of sociology, exemplified by Louis Wirth and others. See the collection of Wirth's essays, *On Cities and Social Life* (Chicago: University of Chicago Press, 1964).

Suggested Readings for Teachers

This essay draws on several streams of scholarly work, much of which is identified in the endnote references. In addition to those materials, however, there are some important sources of information and understanding that relate closely to the themes of this essay.

One set of materials that may prove useful is the considerable literature of recent years setting forth the ideas involved in what I have called republican citizenship. Donald Lutz's essay in this collection makes use of many of these same works. Let me simply mention Gordon Wood, *The Creation of the American Republic* (Chapel Hill: University of North Carolina Press, 1969); John G. A. Pocock, *The Machiavellian Moment* (Princeton: Princeton University Press, 1973); and Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Harvard University Press, 1967). To these may be added Garry Wills' controversial studies, *Inventing America* (1978) and *Explaining America* (1981), both published by Doubleday. Also related is George Will's recent *Statecraft as Soulcraft* (New York: Simon and Schuster, 1983). The letters and lives of Jefferson, Adams, Madison, and the other great figures of the Founding era are rich sources of material bearing on the requirements of citizenship in a republic as they understood it.

Concepts of citizenship have been subjected to lively re-examination in recent years. One major book is T. H. Marshall, *Class, Citizenship and Social Development* (Garden City, N.Y.: Anchor Books, 1965). Another is Dennis F. Thompson, *The Democratic Citizen* (London: Cambridge University Press, 1970). Closely related is Carole Pateman's, *Participation and Democratic Theory* (London: Cambridge University Press, 1970).

Empirical investigations of citizenship center largely around political participation. Foremost among these are Sidney Verba and Norman Nie, *Participation in America* (New York: Harper and Row, 1972); Sidney Verba, Norman Nie and Jae-on Kim, *Participation and Political Equality* (London: Cambridge University Press, 1978); and Samuel Barnes, et al., *Political Action* (Beverly Hills, Cal.: Sage, 1979). See also James Rosenau, *Citizenship Between Elections* (New York: Free Press, 1974), and my own *Citizen Participation in the Public Schools* (Lexington, Mass.: Lexington Books, 1980).

Finally, the work on civic cultures should be recognized as integrally related to any discussion of citizenship. One part of this work starts with and builds on Gabriel Almond and Sidney Verba, *The Civic Culture* (Princeton: Princeton University Press, 1963). Another takes its conceptual cues from Daniel Elazar, *American Federalism: A View From the States* (New York: Thomas Y. Crowell, 1966). Both works have led to substantial further research.

6.

The Role of the States in the American Federal System

Stephen L. Schechter
Russell Sage College

Today, it is often assumed that the primary role of the states is administrative, implementing national policy and overseeing local spending as "middle managers" in the federal system. However, this formulation tends to exaggerate the role of the states in intergovernmental management and to ignore the broader constitutional-political role of the states as constituent polities, influencing the course of national policy, joining in its implementation, and governing state and local affairs in a variety of direct and observable ways.

The thesis of this essay is that the role of the states as constituent polities provides the most historically accurate and realistically complete explanation for the constitutional position of the states in the American federal system and for their continuing relevance in American political life. Of equal importance, this formulation can provide students with a concept of statehood and a conceptual basis for studying and evaluating state activities in much the same way as "community" provides a conceptual basis for studying and evaluating local activities.

The formulation of the states as constituent polities and its alternatives are examined first in the debates of the Constitutional Convention. The characteristics and implications of this formulation are then examined in terms of federal-state and state-local relations. We then look at two turning points of American federalism—the Civil War and the constitutional revolution of 1937—as reaffirmations of the role of the states as constituent polities. Recognizing the centralizing tendencies of American politics since 1937, evidence is then offered that the states continued to function as polities and as a decentralizing force in American politics during the forty-year period from 1937 to 1977. This essay concludes with a discussion of the continuing relevance of the states in the federal system and suggested topics for further study.

The Gila Monster, The Thermometer, and The Watch

When the field of electrical engineering was still in its infancy, an interesting chapter of folklore developed around Charles P. Steinmetz, a German-born scientist whose eccentric genius sparked a string of discoveries during the early 1900s at the General Electric labs in Schenectady, New York. One Steinmetz story of particular relevance concerns an experiment involving a Gila monster, a thermometer, and a watch. Utilizing the little-known fact that Gila monsters regulate their body temperature by movement, Steinmetz would delight his lab visitors with a demonstration of how one could use a Gila monster to tell time with a thermometer or calculate temperature with a watch. Finally, a quizzical visitor asked Steinmetz why he didn't keep the watch and the thermometer and get rid of the Gila monster.

Since the early 1930s, there has been a tendency on the part of many political commentators to view the states as the Gila monster of the American federal system, occupying an unnecessary and often troublesome position between the local community and the nation. This view is often supported by three related points: (1) the empirical observation that many of today's public problems, particularly those of an environmental and economic nature, transcend state boundaries; (2) the pragmatic belief, reinforced by the fear of state "balkanization," that these and other public problems are most efficiently and equitably resolved by national policies; and (3) the suspicion, sustained by the states' rights battles of the 1950s and '60s, that the states cannot be trusted to protect the civil rights and social progress of minorities, women, and the poor, without federal intervention. But the recurring question that seems to hold these points together is much like the question posed by Steinmetz's visitor: If we look to the community as a gauge of local needs and to the federal government as an instrument for responding to those needs, why do we need the states?[1]

In the face of criticism like this, why do the states continue to exist? There are four frequently offered explanations, each of which has merit. These four explanations are summarized below. (For additional material, see Topic 1 on the debate over the states in the section on "Suggested Topics for Further Study" at the end of this essay.)

Institutional survival is at the center of one explanation; and, on this point, the critics are partly right. The states continue to exist because they remain viable political systems in their own right. And they remain viable partly because they possess the constitutional authority to shape their political institutions, the institutional resources and political symbols needed to maintain the loyalty of those working for state government and served by its programs, and the political muscle to protect their position in the American federal system.

Public opinion offers another explanation. Even in the Depression of the 1930s, when the states were at their lowest ebb, public opinion seemed unwilling to abandon the states as countervailing centers of power. In 1936, when respondents were asked whether they favored concentrating power in the federal government or in state government, the division of opinion was 44-56, tilted slightly in favor of the federal government. In September 1981, when President Reagan's New Federalism was scheduled to take effect amidst diminished public confidence in the federal government, respondents to a Gallup poll indicated a more pronounced division of opinion (64-36) in favor of concentrating power in the states.[2] The point to be made here is not the dependence of federal and state governments on the fickleness of the public opinion but the fact that public opinion seems to place a continuing value in something beyond the critics' view; namely, the political safeguards and multiple forums that a system of two countervailing centers of power can provide.

Public administration points toward a third explanation for the continued existence of the states. In the 1981 Gallup poll, over 70 percent of respondents indicated that state government was more likely than the federal government to administer programs efficiently and to understand the real needs of the people. At the same time, 76 percent of respondents agreed with the statement: "The federal government has the responsibility to provide certain kinds of services—such as medical care and legal services—to those who cannot afford to pay for them."[3] On this point, the critics are partly right and partly wrong. In a large compound republic, virtually all public problems can be viewed as transcending state boundaries. But this fact of political geometry has little to do with the political and economic factors (including public preferences) that go into answering the critical allocation question, namely, by what plane or combination of planes of government should a particular public problem be addressed and administered?

Political culture offers a final explanation for the continued existence of the states. Two people can look at the same phenomenon, such as the boundary separating North Dakota and South Dakota, and come to different conclusions about it. One may "see" the splintering effects of balkanization; the other may "see" the blooming of two flowers from the scattered seeds of diversity. In this sense, the critics represent only one point of view. The alternative view is that the states continue to exist because of the differences (both positive and negative) they represent in the minds of their residents, because of the benefits of experimentation that occasionally spring from those differences, and because of the overriding values of pluralism and a respect for diversity that allow those differences to exist.

Missing from these explanations is an overall conception of *statehood*. While definitional debates over the meaning of community and nation abound in most social studies curricula, there is little attention devoted to the comparable exercise of discovering what it means to be an American state, why we need them, and what we expect from them. As a result, the student is all too often left with vague impressions about the states in general and the history of their state in particular—impressions that add up to a total view of the states as "middle men," occupying an ambiguous constitutional position somewhere between the local community and the nation. The great pity in all this is that the American states are more responsible than any other government for regulating the kind of intimate relationships—of parent and child, husband and wife, doctor and patient, teacher and student, owner and property, employer and employee, and criminal and victim—that occupy so much of most people's time and attention.

With this background in mind, the purpose of this essay is twofold: to develop a working concept of American statehood; and to examine its historical and contemporary applications. The major premise of this essay is that the meaning of the states and the enduring need for them can be best understood in terms of the role of the states as constituent polities, not simply as middle men, in the American federal system.[4]

The States As Constituent Polities

The most delicate political task facing the framers of the federal Constitution was "to found a republic free of the characteristic vices of republics—violence, faction, and instability—and yet clearly committed to the unmixed principle of republican government—majority rule."[5] The framers' novel solution was a large and compound republic, composed of a new national government and the existing state governments.

Many of the controversies and compromises of the Constitutional Convention in Philadelphia are well-known and widely taught, especially those concerning the powers and limits of the new national government, the representation of large states and small states, the conflicts among agricultural and commercial interests, and the question of slavery. Elsewhere in this collection, the implications of the convention's decisions are examined in terms of the nature of American federalism, the organization of a pluralistic society, the rights and responsibilities of republic citizenship, and the development of the Constitution. But what were the implications of the convention's decisions for the future role of the states?

No question more thoroughly occupied the attention of the framers at the convention and the subsequent debate over their decisions than the future role of the states in the new scheme of government. From the proceedings of the Constitutional Convention in Philadelphia and the ensuing debates over ratification by the states, it is possible to distinguish four alternative roles of the states in the new federal system.

1. **The States as Sovereign Polities.** The states entered into the Articles of Confederation as polities (distinct political societies)[6] with the sovereignty of free and independent nations. And Article II affirmed the status of the states as sovereign polities: "Each state retains its sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled." Congress could, of course, make laws; and, under the Confederation, many accomplishments were achieved—winning the Revolutionary War, establishing diplomatic relations, holding the confederation together, and providing for westward expansion. And there is also every indication that the Confederation was viewed as a symbol of Union, however loose, and the benefits it could bring.

In practice, the Articles of Confederation remained a state-centered system until replaced by the Constitution of 1787. None of the constitutional amendments or grants of power designed to strengthen Congress (and there were several, including the famous impost proposal) were ratified before the Articles were replaced.[7] Moreover, most important legislation within the powers of Congress required passage by a three-fourths majority of state delegations (Article IX), though the Northwest Ordinance of 1787 slipped through Congress by a unanimous vote of only eight states. Equally important, the government of the Confederation possessed no enforcement powers of its own. All governmental activities, from the collection of taxes to the domestic enforcement of treaty provisions, rested on the voluntary compliance of the states. As Martin Diamond notes:

> The weakness of the Confederation—the lack of coercive power over individuals, of the means to carry out fully national assignments, and of power to regulate trade and thereby create a national economy—became major items on the Constitutional Convention's agenda.[8]

The so-called "states' rights" argument, voiced by those who walked out of the Constitutional Convention or never attended it, sought to maintain the role of the states as sovereign polities in the new Constitution. There is every indication that the framers at the Philadelphia convention sought to lodge sovereignty not in the states but in the Constitution and the Union. The proceedings of the convention, the explanations in *The Federalist* papers, the language of the Supremacy Clause in Article VI, and the rejection of wording from the Articles of Confederation on state sovereignty, all point in this direction. However, the supremacy of the Constitution and the Union as something more than a compact of the states was not settled by the Constitutional Convention, but by the outcomes of the Civil War. (There is an important distinction to be made here between the supremacy of the Constitution and the Union, for which President Lincoln was willing to go to war, and the supremacy of the federal government, which has never been established except on a case-by-case basis in specified areas of preemption.)

2. **The States as Administrative Agents.** Today, of course, the states implement numerous federal grants as if they were the administrative arm of the federal government. Ironically, this was the great fear of the nationalists at the Philadelphia convention, since one of their greatest aims was to create a national government capable of dealing directly with the citizenry. The power of Congress to lay and collect taxes, to regulate inter-state commerce, and to raise

and support armies are all taken for granted today. But in 1787, these powers resided with the states in their jealously guarded capacity as the administrative arm of the Continental Congress. Hence, convention members rejected the idea of the states as the sole administrative agents of the federal government, while leaving open the possibility (whether intentionally or unintentionally) of federal-state administrative relations on a program-by-program basis.

3. The States as Political Subdivisions. At the Philadelphia convention, James Madison and others fought adamantly for the so-called "negative power" that would enable Congress to veto all state legislation or, at least, state laws contrary to the Constitution. The Virginia Plan, introduced on 29 May 1787, contained a provision enabling Congress "to negative all laws passed by the several States, contravening in the opinion of the National Legislature the articles of Union." And on 8 June, Charles Pinckney moved "that the National Legislature should have authority to negative all laws which they should judge to be improper.[9] In seconding this motion, Madison, then the great nationalist, asserted:

> This prerogative of the General Government is the pervading principle that must control the centrifugal tendency of the States; which, without it, will continually fly out of their proper orbits and destroy the order & harmony of the political System.[10]

Elsewhere in the debates, Madison and others would depict the role of the states under this proposed system as political subdivisions of, and clearly subordinated to, the general government. Madison likened the scheme, first to the relations between the states and their local subdivisions,[11] and later to the operations of the British System.[12] However, this power, and its accompanying model, met with rejection in August, with John Rutledge speaking for the majority:

> If nothing else, this alone would damn and ought to damn the Constitution. Will any State ever agree to be bound hand & foot in this manner. It is worse than making mere corporations of them whose bye laws would not be subject to this shackle.[13]

4. The States as Constituent Polities. The clearest and most consistent evidence points toward the framers' eventual acceptance of the role of the states as constituent polities in the new federal system. In *Federalist* No. 39, Madison distinguishes between a plan for national consolidation (rejected by the convention), in which the states would be subordinated to a supreme national government, and the proposed plan for a federal union, in which the states "form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority than the general authority is subject to them, within its own sphere." In *Federalist* No. 9, Hamilton writes: "The proposed Constitution, so far from implying an abolition of the State governments, makes them constituent parts of the national sovereignty . . . and leaves in their possession certain exclusive and very important portions of sovereign power."

The language of *The Federalist* papers, the nature of the alternatives accepted and rejected at the Constitutional Convention, and the very nature of the convention and ratification process, all suggest the basic elements that form a definition of statehood in the American federal system:

> An American state may be defined as a distinct political society that is republican in nature and is a constituent member of the Union. In this sense, the state is a constituent polity.

In 1805, the basic elements of this definition became part of American constitutional law. In a little-known case, the U.S. Supreme Court was asked to decide the question of whether the residents of the District of Columbia were entitled to maintain an action in a federal circuit court which was limited by law to cases between citizens of different states. In delivering the Court's opinion, Chief Justice John Marshall accepted the residents' argument that the District of Columbia could be considered a "distinct political society." However, Marshall rejected the argument that this political fact alone made Columbia a state, or entitled it to be treated as one. According to Marshall, "the word 'State' is used in the Constitution as designating a member of the Union, and excludes from the term the signification attached to it by writers on the law of nations."[14]

Characteristics and Implications

During the course of the nineteenth century, the concept of the states as constituent polities became firmly planted in American constitutional and political thought.[15] In the famous Reconstruction case of *Texas v. White*, Chief Justice Salmon P. Chase pulls together the basic characteristics of statehood that remain in force to this day.

> In the Constitution, the term state most frequently expresses the combined idea . . . of people, territory, and government. A state, in the ordinary sense of the Constitution, is a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written constitution, and established by the consent of the governed. It is the union of such states, under a common constitution, which forms the distinct and greater political unit, which the Constitution designates as the United States, and makes of the people and the states which compose it one people and one country.[16]

In today's terms, the states are complete political systems that could stand alone in the world of nations. However, the states chose not to stand alone; and this choice, ultimately interpreted on the battlefields of civil war, binds them together as complete yet constituent political systems. A state comprises people, who, under the Fourteenth Amendment, are citizens of the United States and then of the state wherein they reside. A state contains territory of definite boundaries, yet those boundaries serve not to obstruct free movement among the states but to frame the authority that may be exercised by a state. (See Topic 2.) At the same time, a state has a republican form of government, capable of providing its citizens with meaningful yet constitutionally limited choices on how best to organize the state's human and natural resources and guide their development. (See Topic 3.)

The implications of these characteristics is twofold, first as concerns the respective roles of the federal government and the states, and second as concerns the relationship between the states and their local communities.

The Federal Government and the States

As Elazar explains, "the U.S. consists of a national polity with the whole country for its arena and served by the general government (the nineteenth century phrase carries much meaning) plus the several state polities each with its state for an arena and served by its own government."[17] As concerns the respective role of the states, Elazar continues:

> The states as polities are designed to play a political role in the largest sense of the term. This means that the states' principal tasks are to govern—to make and implement policies within their spheres of competence, not simply administer programs developed outside of their jurisdiction—and to govern the conduct of politics for the republic as a whole.[18]

In this respect, the principal difference between the roles of the federal government and the states has to do with the scope, not the status, of their constitutional authority. The role of the federal government is to make and implement policies in response to general needs affecting the nation as a whole. Even "pork barrel legislation," the most localistic form of national policy, reaches national proportions before the barrel is empty. The role of the states is also to make and implement policies within their respective spheres; sometimes in concert, through inter-state compacts or uniform legislation, as an alternative to national policy formulation in the Congress, but, on most occasions, on a state-by-state basis, in response to the particular needs of each state. Even in the mid-1970s, when federal grant expenditures were at their peak, the role of the states as implementor of federal programs, though widely publicized, represented a secondary function of the states and only one-fourth of their combined budgets. (See Topic 4.)

It would be convenient, but untrue, to state that Americans have discovered an accepted set of allocation criteria for deciding whether a particular public need is general, regional, or local in scope; and then, for deciding by which government or combination of governments that need should be addressed. The "internal-external" distinction may have sufficed in a time of neatly compartmentalized activities; and the so-called "rule of pragmatism,"[19] distinguishing between those needs "imperatively demanding a single uniform rule" and other needs "imperatively demanding diversity," makes for compelling rhetoric on both sides of an allocation debate. Yet no court or intergovernmental body has ever fashioned an accepted set of allocation criteria for "sorting out" governmental responsibilities by service area; and many have tried, including the latest efforts by President Ronald Reagan.

The allocation of intergovernmental responsibilities is one of the most important political questions for determining the public responses to the public needs of each generation. However, each generation seems to answer the question on its own terms, based on its own compromises between the path of least resistance and the tradition of power sharing, and between past experience and contemporary preference. We shall return to this point after briefly considering state-local relations.

The States and their Communities

One of the seeming inconsistencies in the American system is the differences between the federal-state relationship and the state-local relationship. In constitutional law, state-local systems are unitary, not federal, and local government is recognized as a political subdivision of the state. The harshest, and most widely accepted, state view of this relationship is that of John F. Dillon, then Chief Justice of the Iowa Supreme Court:

> The true view is this: Municipal corporations owe their origin to, and derive their powers and rights wholly from, the legislature. It breathes into them the breath of life, without which they cannot exist. As it creates, so it may destroy. If it may destroy, it may abridge and control.[20]

Yet, even the so-called Dillon Rule, suggests two limits on the use of state legislative power: "Unless there is some constitutional limitation on the right, the legislature might by a single act, if we can suppose it capable of so great a folly and so great a wrong, sweep from its existence all of the municipal corporations in the State. . . ."[21] In some states, constitutional home rule, or some less sweeping protection of local self-government, supplies the first limit. In a wider circle of states, the second limit is supplied by the political tradition of local self-government. In virtually all states, however, the great folly and wrong of state action by decree is supplied by the limits of political realities.

In the nineteenth century, and in some instances today, one can find cases in which state legislators used local government issues (of municipal powers, franchises, boundaries, and the like) as pawns in the great and often profitable game of politics. However, in more cases than not, the operative differences were not state-local but partisan, with state and local Republican officials attempting to check the power of Democratic strongholds, or the reverse. Today, the sources of local political clout in state legislatures include a mix of old and new factors. The old factors include the tradition of local self-government and the sheer folly of state elected officials biting the hand of their local constituency. The new factors include the increased grounds on which localities can cry "foul"; the use of federal aid and its grant conditions as an outside player; and the very real changes in the public attitudes toward, and self-perceptions of, state legislators as power-brokers in many states, except, of course, Texas.

There remains, however, a basic difference between federal-state relations and state-local relations. And, in this writer's opinion, that difference is a necessary one. States are polities; localities are communities. The two are necessary to any political system, yet there is no political system (except perhaps the Yugoslav and Swiss systems) in which local communities possess the constitutional authority to act as if they were states or complete political systems in their own right.

The buck, in this instance, the spread of constitutional authority, must stop somewhere. And in the American system, it stops with the states. In part, the reason is a matter of sheer numbers and the pragmatic consequences of endowing thousands of local governments with the constitutional authority of states. But there is also a philosophic difference between polities and communities, with the latter composing the former and, by their very diversity (along urban-rural-suburban; rich-poor; Democratic-Republic; and other lines), safeguarding the polity as a whole against parochialism, lopsided treatment, and insufficient resources.

The Allocation of Functions

As noted earlier, there is no accepted set of allocation criteria for "sorting out" government responsibilities by service area or function. Nonetheless, the accumulation of past allocation decisions does suggest several patterns, at least as concerns the quantifiable involvement of governments in the provision and financing of public services. The results of this analysis are displayed in Table 1 entitled "Governmental Service Providers and Financers by Function, circa. 1982."

Where possible, service areas are listed in Table 1 from the most local to the most national. The listing is based not on any objective criterion but rather on the sole criterion of "local is as local does," so to speak. Nonetheless, there is a certain logic that hindsight supplies.

Local parks, libraries, sanitation, sewerage, and public safety (fire and police protection) are local services in which local governments are both the primary provider and financer. Based on hindsight, one could argue that the first three services are relatively localized with little "spill over" that could not be accommodated by inter-local service agreements. However, the same argument cannot be easily applied to sewerage. It is also difficult to make a case for both providing and financing public safety as a local responsibility.

At the other extreme, the federal government is the primary provider and financer in four areas—natural resources,

TABLE 1

Governmental Service Providers and Financers by Function, circa. 1982

Functions	Primary Provider	Primary Financer
Local Parks & Recreation	Local	Local
Libraries	Local	Local
Sewerage & Sanitation	Local	Local
Housing & Urban Renewal	Local	Federal
Education, Elem. & Sec.	Local	Local-State
Higher Education	State	State
Education, Other	Federal	Federal
Police Protection	Local	Local
Fire Protection	Local	Local
Corrections	State	State
Highways	State	State
Hospitals	Local-State	Local-State-Federal
Health Services	Local-State-Federal	Local-State-Federal
Public Welfare, Cash	Local-State-Federal	Federal
Public Welfare, Other	State	Federal
Natural Resources	Federal	Federal
Water Transportation	Federal	Federal
Air Transportation	Federal	Federal
All Functions, Combined	Local-State-Federal	Local-State-Federal

NOTE: A primary service provider is one that accounts for 50 percent or more of direct government expenditures, a measure generally accepted as an indication of the extent to which it provides that service. A primary service financer is one that accounts for 50 percent or more of the responsibility for financing the service, through direct government expenditures or intergovernmental assistance.

SOURCE: U.S. Advisory Commission on Intergovernmental Relations, *State and Local Roles in the Federal System* (Washington, D.C., 1982), pp. 7-8, and updates.

water transportation, air transportation, and "other education." The first can be explained historically by the acquisition of federal lands; the federal involvement in water and air transportation can be explained in terms of inter-state commerce, though the explanation would have to be constructed so as to exclude land transportation on highways. "Other education" is something of a residual category, including some special educational services as well as other federal involvements that are not included in the other two educational categories.

State government is the primary provider and financer in three areas—higher education, corrections, and highways. The historical case for all three is that they involve regional facilities (in the case of higher education and corrections) or regionalized networks (in the case of highways) that lie beyond the scope of local communities, acting individually or collectively, while at the same time representing areas of traditional state-local concern in which the federal government plays only a secondary role. However, there is no objective criterion capable of explaining why universities are seen primarily as a state responsibility and hospitals are not.

Considered individually, most services areas seem dominated by a primary provider and financer. However, when all functions are combined, the pattern is one of shared responsibilities in both the provision and financing of services. In 1977, the ratio of federal-state-local financing of services was 40-34-26, while the ratio for the provision of services was 30-27-43. One reason for this is the budgetary significance of two shared functions—health and human services. Another reason is the cumulative effect of substantial secondary involvement by most governments in many areas. Other factors also point in the direction of shared responsibilities.

The findings in Table 1 are strictly limited to primary involvement measured in terms of expenditures. Not included in this table are two important considerations. First, governments other than primary providers can make modest investments (e.g., for innovation, demonstration, or leveraging of outside funds) that can yield high returns. In the field of elementary and secondary education, for example, it is well known that the relatively small federal contribution can have far-reaching consequences by virtue of the targetted use of those funds. Less appreciated is the recent involvement of the states in funding local school districts for the purposes of equalizing educational opportunities; now at a level where school financing has become a shared state-local function.

A second omission from Table 1 is the regulatory role of governments in the federal system. While public safety is a service provided primarily by local governments, it is carried out within a legal context of safety codes and criminal laws, established primarily by state statutes in conformance with state and federal constitutional standards. To cite another example, elementary and secondary education is provided locally within a context of state education laws that can vary considerably in their reach.

The implication in all this for the classroom is an important one: Virtually all issues of domestic policy, from the siting of nuclear waste sites to raising the driving age, involve the three planes of American government in one way or another. (See Topic 5.)

The States in American History

Looking back over the first century of the new republic, Woodrow Wilson wrote in 1908:

> The question of the relation of the States to the federal government is the cardinal question of our constitutional system. At every turn of our national development we have been brought face to face with it, and no definition either of statesmen or judges has ever quieted or de-

> cided it. It cannot, indeed, be settled by the opinion of any one generation, because it is a quesion of growth, and every successive stage of our political and economic development gives it a new aspect, makes it a new question.[22]

In the following generation, the question of federalism became the cardinal question in the latest major "turn in our national development"; namely, the 1936-37 triumph of the New Deal in the voting booth and before the Court. And its outcomes have framed the responses to most of the challenges since then. Unfortunately, the textbooks of American history and government, on which most educators must rely in part, do not treat the dynamics of federalism in a way that would allow informed classroom discussion about the constants and changes in the respective roles of state and federal governments in the federal system. In a recent review of American civics and government textbooks, Richard C. Remy observes:

> The dynamics of the federal system and important aspects of federalism's role in American political life are omitted. Hence, none of the texts describe the competitive politics generated by contemporary national-state relations, the place of federalism in maintaining the two-party system, the role of federalism in checking the will of either local or national majorities on specific issues or in the contribution of federalism to the initiation of new political ideas at the state level rather than the national level.[23]

In a companion review of American history textbooks, John J. Patrick observes: "All the textbooks deal in some manner with the development of the locus of sovereignty issue that divided states' rights advocates and nationalists from 1789 until the Civil War." That is to say, all texts trace the familiar series of events in the federalism debate between the constitutional period and the Civil War—the Kentucky and Virginia Resolutions, the Hartford Convention, Calhoun's compact theory, the Webster-Haynes debates, the South Carolina nullification controversy, the Compromise of 1850, the Kansas-Nebraska Act, the Lincoln-Douglas debates, and the presidential campaign of Abraham Lincoln. "However," Patrick continues, " the textbooks tend to provide scant commentary about the constitutional bases and consequences of many important political events associated with issues about sovereignty within the federal system."[24]

Tempting as it is, this is not the place for a lengthy history of the American system. However, it might not be inappropriate to offer several observations about one way in which standard textbook treatments of key events can be reviewed and discussed in terms of federalism and the role of the states in the federal system.

The States in the Turning Points of the Union

Most scholars agree that there have been three great turning points in the history of the American constitutional and political system. One is the founding of the republic, including the declaration of its principles, the war for independence, and the adoption of a Constitution and system of governance capable of framing the principles for which independence was sought. The second great turning point was the crisis of a house divided, in which the clash over unresolved questions—of slavery and the nature of the Union—ignited political issues (such as tariffs and national expansion) and exploded on the battlefields of civil war. The third great turning point, brought on by the great depression of the 1930s, involved massive dislocations in the economy and human life that prompted a fundamental reappraisal of the role of government in regulating the economy and redistributing its benefits.

Studying these major turning points in terms of the question of federalism, and of the respective roles of the federal government and the states, can provide a teaching opportunity for reviewing and discussing various themes of American history. The centralization theme is an ideal candidate for such an undertaking. When studied from a national perspective, the three turning points of Constitution, Civil War, and New Deal are viewed as benchmarks in the theme of centralization—of the Union over its parts, of government in society, of the federal government in relation to state and local governments, and of the presidency in relation to the Congress.

However, when the turning points of history are viewed from the states, the centralization theme appears incomplete. The Constitution established the basis for a strong national government, yet it also reserved a strong role for the states as constituent polities. The Civil War settled the question of the supremacy of the Constitution and the Union, yet it also confirmed the role of the states as constituent polities. Recall the Reconstruction case of *Texas v. White*, in which Chief Justice Salmon P. Chase wrote: "The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States."[25] Finally, the constitutional revolution of 1937 enabled the expansion of the federal government, yet in co-operation with the states, again, in their role as constituent polities. Speaking to this point in the Social Security Act cases, the U.S. Supreme Court stated:

> The United States and the state of Alabama are not alien governments. They coexist within the same territory. Unemployment is their common concern. Together the two statutes before us (the acts of Congress and the Alabama legislature) embody a cooperative legislative effort by State and National governments, for carrying out a public purpose common to both, which neither could fully achieve without the cooperation of the other. The Constitution does not prohibit such cooperation.[26]

The consequences of these turning points further confirm the incompleteness of the centralization theme. The generation following the adoption of the Constitution witnessed the establishment of the national government in Washington, D.C., and the expansion of national boundaries across the continent. At the same time, this period witnessed the previously unparalleled expansion of state activities in regulating the new economy, organizing political institutions, founding communities, connecting the new settlements by transportation links and other internal improvements, and providing (through their representatives in the U.S. Congress) for relatively easy terms for the admission of new states on an "equal footing" as constituent polities.

The generation following the Civil War has also been characterized by its centralizing tendencies; this time, pulled by the social and economic forces of urbanization and industrialization. Yet it is in the arenas of state and local politics where one finds many of the first and most substantial responses to the emerging urban-industrial order. The new forms of machine politics and populist reaction, of legislation protecting workers and consumers, and of reform proposals for the modernization of government and the electoral process (including the proposal for the direct election of U.S. Senators), all made their way from the states, as laboratories of experimentation and innovation, to the nation, where many would be checked by the federal courts. At the same time, local government remained the biggest government spender and service provider, accounting for over 50 percent of total government expenditures from own sources (including federal defense spending) until the World War I period.

The generations following the constitutional revolution of 1937 provide clear evidence of the centralization theme and its incompleteness. In fact, the countervailing tendencies toward centralization and noncentralization may well be the more appropriate theme for the forty-year period 1937-77 dominated by the New Deal and the post-World War II generation. Several examples illustrate this point.

Nationalism and Sectionalism. During this period, the most widely reported trend was in the direction of national uniformity. At first glance, the development of a mass media, a military-industrial complex, suburban communities, the managerial ethic, computer technology, and sophisticated consumerism, all seemed to bear the stamp of conformity to some national standard. Yet one has only to scratch the surface to find strong traces of continuing, even increasing, strains of diversity during this period. Sectionalism was one such strain, most clearly apparent in the reemergence of North/South differences along "Frost belt/Sun belt" lines, but also apparent was the reemergence of East/West political differences in issues, coalitions, and voting patterns.

The Growth of the Public Sector. This period witnessed an unparalleled growth in the public sector. During the 1930s, government expenditures as a percent of GNP doubled, from about 10 percent in 1930 to nearly 20 percent in 1940, climbing steadily to approximately 35 percent in 1975, when the relative decline in public spending began.[27] The most dramatic increase in public spending was by the federal government for domestic purposes, with social security and federal aid emerging as the fastest growing components (reaching 60 percent of federal domestic spending in 1977).[28] As late as 1967, the states continued to lead the way in the financing of government services. By 1977, the ratio of federal-state-local financing of services had shifted to 40-34-26, while the ratio for the provision of services was 30-27-43.[29] Despite the growth in federal aid during this period, state aid to localities remained substantially larger than federal aid to localities, even when the state role of "middle man" in administering federal passthrough aid is excluded.

Innovators, Laggards, and Partners. During this period, the federal government emerged as a leading policy innovator and a primary agent of social choice for many Americans. Some states paved the way in the national diffusion of innovation; others obstructed and delayed the adoption of innovations and social change; most adapted to the vigorous involvement of the federal government in the formulation of social and economic policy.

In this respect, credit is clearly due the federal government for its role in easing the dislocations of the 1930s, stimulating the economic recovery of the 1940s, advancing the cause of civil rights and the plight of urban America in the mid-1950s, and spearheading the drive for social programs and environmental protection in the late 1960s. At the same time, credit is also due the states and localities for their great strides in the less dramatic areas of housing, transportation, and education, for their often unrecognized partnership and support role in ensuring the political success of many federal advances, and for continuing to provide basic services and improve upon them during a period of rapidly changing rules and expectations.

Constitutional and Political Supports. During this period, changes in the rules and institutional supports of American federalism were as important, if not more so, than the accompanying revolution in governmental roles and policies noted in the foregoing discussion. Unlike most earlier periods, judicial changes in the constitutional rules of federalism led the way and cut the deepest. Virtually all of the constitutional limits of federalism on congressional action were removed during this period. In 1976, the Supreme Court seemed to reintroduce some force into the Tenth Amendment as a real limit on Congress.[30] But this was subsequently pared back to a minimal level, with the Court holding that Congress could not "comandeer" state legislatures.[31]

Even here, the states have not fared as badly as is often believed. For the states, the main effects of judicial activism during this period were the unfettering of Congress and the reforming of state government. The unfettering of Congress did, of course, produce an onslaught of federal laws and regulations that have sharply narrowed the bounds of state discretion. However, the reform of state legislative representation and electoral procedures, though externally imposed, left the states in the enviable position of being the most reformed governments in the nation. Additionally, the unfettering of Congress was not accompanied by the fettering of the states, confirming the truism that federalism is not a "zero-sum game," in which one government's gain is necessarily another's loss. State policy-making powers were upheld in areas that brought them up to and ahead of federal legislation, and the uses of the inter-state compact devise without congressional consent were substantially invigorated.[32]

In the realm of congressional politics, the role of state officials changed from instructing the way votes were cast to lobbying selectively for the passage of bills. Here, and in the realm of electoral politics, the role of the states was challenged less by the federal government than by the development of new forms of interest group politics. However, as one textbook passage observed in 1975:

> In the formal *constitutional* sense it is quite clear that the state, like the old grey mare, 'ain't what she used to be.' . . . Yet in the *political* sense the states still play a prominent part in shaping the character of national party nominating conventions, determining the makeup of the congress, and influencing the selection of judges. Thus, the political facts of life in the United States are frequently 'federal facts'—that is, related to the peculiar positions of states in our elections, parties, and legislation—rather than 'national facts,' such as one might expect to find in England, France, and other nations without a federal form of government. While formal constitutional federalism may seem to be waning in the United States, political federalism remains virile principally because of the political virility of the fifty states.[33]

The Continuing Relevance of the States

Between 1974 and 1978, a rapid succession of events—including the Watergate revelations, the end of American involvment in the Vietnam War, the resignation of President Nixon, the energy crisis of 1974-75, the presidential election of Jimmy Carter—joined with new movements to limit government spending, balance the federal budget, block ERA, and ban abortions, in ways that closed the political generation of the post-World War II period, and paved the way for the issues and actors of the generation to follow.

While the course of American federalism in the coming generation is unclear, the state of the states in the decade of transition, from the spring of 1974 through the election of 1984, is dramatically different from their position in the previous generation. Since 1975, the rhetoric and reality of three presidential administrations has been in the direction of cutting back federal domestic spending and regulatory burdens. (As noted earlier, federal domestic spending as a percent of GNP has decreased slowly but consistently since 1975.) At the same time, as noted at the outset of this essay, the credibility and capacity of the states as functioning polities has steadily improved, with the states stepping in to fill the gaps in a variety of areas—emergency fuel allocation during the energy crisis, state equal rights amendments in the absence of a federal ERA, highway safety and drunk driving legislation, increased state financing of education in the interests of both performance and equal opportunity, and the improved delivery of health and human services at a time of recession and federal cutbacks.

The present situation, writes Elazar, "is a kind of standoff; hierarchical assumptions prevail in theory while older forms of non-centralized government still dominate in practice."[34] As concerns the present role of the states, Elazar continues:

> As a group, their governments are fiscally the healthiest of any in the federal system, they have increased the level and range of their activities many-fold, they have improved their governmental machinery, and they have become more responsive to their citizens than at any time since the Civil War. Moreover, they are in the best position to meet the needs of the American people across many fronts. At the same time, as polities, they are under greater assault than ever before.[35]

The states remain functioning constituent polities despite, and, in some instances, because of, the tendencies toward centralization present since the early 1930s. One of the reasons for this is that the states continue to exist as political systems in their own right, and that existence now seems ensured by the institutional reforms, increased representativeness, and fiscal health of the states over the past decade. A second reason for the states continued role as constituent polities is that they are still recognized in the Constitution and by the courts as constituent polities, even if that constitutional fact has been removed as a constitutional limit on the Congress. A third reason is that the political tradition of diversity and competition remains strong, despite the concomitant urges toward centralization and uniformity. (Americans have always had a "have-your-cake-and-eat-it-too" attitude toward the benefits of uniformity and diversity.) A fourth reason is that the states still possess the political muscle to shape the character, if not the outcomes, of the presidential nominating process and federal election campaigns, and to exert influence on, if not control over, the course of congressional and bureaucratic politics in Washington, D.C.

The sixth, and perhaps most important, reason for the continued existence of the states as constituent polities is that there remains a public need for them to function in this capacity. The short answer to the question "Why do we need the states?" is that the diversity of interests in the American political system demands the need for the states as an alternative to and variation of federal government policies in ways that simply lie beyond the capacity of local governments. A longer answer and partial review of the need for the states today would include the following points.

Political Representation. Since the late 1970s, the role of the states as constituent polities has helped to reinvigorate political participation and representation in the American system. On the national plane, the workings of the electoral college system have forced presidential candidates to take cognizance of the profound changes in sectional politics and minority group strength in ways that would not have been possible in a presidential selection process based on simple national majorities. (See Topics 5 and 6 in Bibby's essay.) In the states themselves, a period of reform, unparalleled since the Progressive era, has helped to restore state government as a multiplier of representational avenues and forums. Though minorities are still under-represented on all planes of American government, the percentage of black legislators is now higher in the state legislatures than in the Congress; and in the states, the percentage is highest in the legislatures of the Lower South. And as Krislov suggests in his essay, the state courts have reemerged as an alternative forum for the representation of interests in the American judicial system.

Delivery of Services. Since the late 1970s, the states have also demonstrated an increased capacity as full partners in the provision and financing of public services—utilizing state aid as a means of equalizing educational opportunities, cushioning the effects of recession, supplementing some of the gaps in funding brought on by federal budget cuts, innovating in such areas as hospital cost containment, and improving their management capacity in human services.

Regulations. As noted at the outset of this essay, virtually all human relationships of an "intimate character" fall primarily under the regulatory authority of the states as constituent polities. In fact, excepting tax and budget issues, it is in this realm that most of the thorny issues facing state legislatures arise. When mothers mobilize against drunk drivers, when neighborhoods seek answers to the pollution of their groundwater, when parents seek the control of child pornography, when women seek practical changes in family law and property law, when citizens seek tougher or more uniform sentencing of criminals, and when consumers seek the de-regulation of certain professions or professional services, it is to the state legislatures that they must eventually turn.

Constitutionalism. State constitutions have reemerged in recent years as a vehicle for the expression of individual rights and government limits, less securely protected elsewhere. Equal rights, the right to privacy, protection of the environment, and limits on taxing and spending are some of the most recent examples of this point.

In all these respects, the states function as constituent polities in the federal system. In some instances, the instrumentalities of state policy-making are sought as an alternative to policy-making by Congress. In other instances, state and federal avenues of policy-making are pursued concurrently, by those seeking the best possible deal. In yet other instances, the federal government and the states become partners in a cooperative scheme of regulation. In these and other ways, the states function not only as an alternative avenue for addressing policy problems but as a second avenue for the practice of politics and the representation of its interests. So long as that avenue continues to multiply, rather than divide, the opportunities for addressing public needs, so long as the choices over those needs reflect the importance of state variations, and so long as citizens have the instinct to keep it that way, the political facts of life in the American system will remain "federal facts," not "national facts."

Endnotes

[1] The first and most substantial critique of the states is by Luther Gulick in his article, "Reorganization of the American State," *Civil Engineering* (1933): 420.

[2] "A Qualified 'Yes' to New Federalism," *Public Opinion* 4 (December/January 1982): 36.

[3] Ibid.

[4] This essay represents an attempt to develop and enlarge upon the ideas tested out by this author and Daniel J. Elazar in *The Role of the States as Polities in the American Federal System*, prepared for the Alaska Statehood Commission (Philadelphia: Center for the Study of Federalism, 1982).

[5] Morton J. Frisch and Richard G. Stevens, eds., *American Political Thought: The Philosophic Dimension of American Statesmenship* (Dubuque, Iowa: Kendall/Hunt, 1976), p.10.

[6] The term "polity" is used here and throughout this essay because it has a more solid ring than its modern synonym, "political system."

[7] Merrill Jensen, ed., *The Documentary History of the Ratification of the Constitution* (Madison: State Historical Society of Wisconsin, 1976), Vol. I, p. 63.

[8] Martin Diamond, Winston Mills Fisk, and Herbert Garfinkel, *The Democratic Republic: An Introduction to American National Government* (2nd ed.; Chicago: Rand McNally, 1972), p. 39.

[9] James Madison, *Notes of Debates in the Federal Convention of 1787* (New York: W.W. Norton, 1969), p. 88.

[10] Ibid., p. 89.

[11] Ibid., p. 165.

[12] Ibid., p. 305.

[13] Ibid., p. 518

[14] *Hepburn & Dundass v. Ellzey*, 2 Cranch 445,452 (1805).

[15] See Alexis De Tocqueville, *Democracy in America*, edited by J.P. Mayer, with a new translation by George Lawrence (Garden City, N.Y.: Doubleday, 1969). Also see, James Bryce, *The American Commonwealth* (N.Y.: The Macmillan Company, 1893); John W. Burgess, "The American Commonwealth," *Political Science Quarterly* (1886); and John Fiske, *American Political Ideas Viewed from the Standpoint of Universal History* (N.Y.:Harper and Brothers, 1885).

[16] 7 Wall. 700, 721 (1869).

[17] Daniel J. Elazar, "The Rebirth of Federalism: The Future Role of the States as Polities in the Federal System," *Commonsense* 4, no. 1 (1981):1-2.

[18] Ibid., p. 2.

[19] The rule of pragmatism or selective exclusiveness was set out by Justice Benjamin R. Curtis in *Cooley v. Board of Wardens of the Port of Philadelphia*, 12 How. 299 (1852).

[20] *City of Clinton v. The Cedar Rapids and Missouri River Railroad Co.*, 24 Iowa 455, 462 (1868).

[21] Ibid.

[22] Woodrow Wilson, *Constitutional Government in the United States* (N.Y.: Columbia University Press 1908), p. 173.

[23] Richard C. Remy, "Treatment of the Constitution in Civics and Government Textbooks," in *Teaching About the Constitution in American Secondary Schools*, edited by Howard D. Mehlinger (Washington, D.C.: co-published by the American Historical Association and the American Political Science Association, for Project '87, 1981), p. 121.

[24] John J. Patrick, "Treatment of the Constitution in Secondary Level American History Textbooks," in Mehlinger, ibid., p. 100.

[25] 7 Wall. 700, 725 (1869).

[26] *Steward Machine Co. v. Davis*, 301 U.S. 548 (1937).

[27] U.S. Advisory Commission on Intergovernmental Relations (ACIR), *Significant Features of Fiscal Federalism, 1978-79 Edition* (Washington, D.C.: ACIR, 1979), p. 7.

[28] Ibid., p. 10.

[29] ACIR, *State and Local Roles in the Federal System* (Washington, D.C.: ACIR, 1982), pp. 7-8.

[30] *National League of Cities v. Usery*, 426 U.S. 833 (1976).

[31] *Hodel v. Virginia Surface Mining and Reclamation Association*, 69 L. Ed. 2d 1 (1981).

[32] The leading compact clause case is now *United States Steel Corp. v. Multistate Tax Commission*, 54 L. Ed. 2d 682 (1978).

[33] Daniel R. Grant and H.C. Nixon, *State and Local Government in America* (3rd ed.; Boston: Allyn and Bacon, 1975), pp. 8-9.

[34] Daniel J. Elazar, "The Rebirth of Federalism," p. 6.

[35] Ibid.

Suggested Topics for Further Study

Topic 1: The Debate Over the States

The debate over the states may not readily lend itself to classroom discussion, because, in all likelihood, it is not an issue (like raising the drinking age) around which a diversity of student opinion has been formed. Hence, its value may not be to stimulate classroom debate immediately but rather to encourage students to discover their "first assumptions" about how power is best organized and distributed in the federal system. For example, the argument that state and local policies can "balkanize" or fragment the national economy is based on the assumption that there is a national economy, as assumption provocatively challenged by Jane Jacobs in a recent article, "Cities and the Wealth of Nations," *The Atlantic Monthly*, March 1984, pp. 41-66.

In the early 1970s, first assumptions over the respective roles of federal and state governments were abundant in the debate over revenue sharing, a component of President Nixon's New Federalism. Many of these assumptions are brought together in an exchange between Amitai Etzioni and Daniel J. Elazar, excerpted in Robert E. DiClerico and Allan S. Hammock, eds., *Points of View: Readings in American Government and Politics* (Reading, Mass.: Addison-Wesley, 1980), pp. 37-52.

In the early 1980s, comparable assumptions were raised in the debate over President Reagan's New Federalism. For one attempt to straddle this debate, see Walter Guzzardi, Jr., "Who Will Care for the Poor?" *Fortune*, 28 June 1982, pp. 34-42. For a variety of views on this issue, see *Citizenship and the New Federalism: New Roles for Citizens in the '80s?* A Conference Report of the Inaugural Jennings Randolph Forum, sponsored by the Council for the Advancement of Citizenship, 1235 Jefferson Davis Highway, Suite 1404, Arlington, VA 22202.

Several modern theorists have seriously treated the continued role of the states in ways that build upon the four explanations presented in the introduction of this essay. The explanation of "institutional survivability" has been most recently treated by Robert H. Salisbury, "Interest Representation: The Dominance of Institutions," *American Political Science Review* 78, no. 1 (March 1984): 64-76. Theories of countervailing power are considered by Heinz Eulau, Martin Landau, and Vincent Ostrom in their contributions to *The Federal Polity* edited by Daniel J. Elazar as a special issue of *Publius* 3, no. 1 (Fall 1973). In their articles, Landau and Ostrom also challenge many of the conventional assumptions of public administration concerning the allocation of responsibilities in the federal system. Both make a case for the economies and efficiencies of multi-organizational systems, with Ostrom emphasizing the value of overlapping jurisdictions and Landau emphasizing the value of redundancy. Finally, the pluralist case for the states has received its most lasting defense in the opinions of Justice Felix Frankfurter. The cultural basis of state diversity is treated by Daniel J. Elazar, *American Federalism: A View From the States* (3rd ed.; New York: Harper and Row, 1984), chs. 5 and 6.

Topic 2: The Political Geography of the States

Political geography supplies two clear manifestations for studying the states as polities. The first is state boundaries: How were the boundaries of your state originally drawn? Were there subsequent adjustments to the original boundaries? What were the reasons for and consequences of these adjustments? Are certain groups, communities, or regions in the state particularly affected by the way in which the state's boundaries are drawn? Are there discernible differences between the policies of contiguous states that can be observed by studying the local communities on either side of the border? For an interesting study of the impact of state boundaries on student attitudes, see Arthur R. Stevens, "State Boundaries and Political Cultures: An Exploration in the Tri-State Area of Michigan, Indiana and Ohio," *Publius* 4, no. 1 (Winter 1974): 111-125.

A second manifestation of the states as polities is the location of state capitals. In most states, the location of the capital is a result of the political tug-of-war between competing regions within the state. The classic compromise is the location of the capital somewhere between the contending regions. In states like New York and Illinois, the compromise zone is set along an upstate-downstate axis, while in many states divided by the Appalachian Mountains the compromise zone is formed between eastern and western regions of the state. In some states, such as New York and North Carolina, the state capital was moved to reflect changes in the geographic center of settlement. In other states, such as Colorado, the selection of the capital was part of a larger compromise that resulted in the siting of other state facilities. Where have the capitals in your state been located? What were the political issues involved in those location decisions? Which regions were most interested in and affected by those decisions? Were those decisions fair and effective compromises?

Topic 3: State Constitutions as Material Culture

A state's constitution establishes a framework of governance by creating the institutions of state and local government, organizing and distributing their powers, and limiting the exercise of those powers. But a state's constitution also defines a way of life by virtue of the ends toward which it directs the responsibilities of government and citizen.

In both these respects, a state's constitution can be viewed as a statement of fundamentals, particularly those fundamental concerns seen by a state's people to be best safeguarded by and most rightly lodged in their constitution. For this reason, one can study a state's constitution in much the same way as political anthropologists study material culture as a means of understanding how a remote people view the political universe and order its many relationships.

Viewed in these terms, a state's constitutional history becomes a window to the concerns of the past and present—an opportunity most political anthropologists would envy. By examining a state's constitutional history, one can begin to distinguish enduring concerns from those that are history-bound, inserted by one generation and removed by another. One can also compare how two different states respond to common concerns. Or, one can chart the significant developments of a state's constitution(s) and of the federal Constitution, noting their points of convergence and divergence. Moreover, discoveries of special interest can be studied in greater detail by examining the journals of state conventions and legislatures. In this way, it becomes possible to gain insights into the intent of the framers and their mode of constitutional politics. For additional reading on this subject, see Daniel J. Elazar and Stephen L. Schechter, eds., *State Constitutional Design in Federal Systems*, a special issue of *Publius* 12, no. 1 (Winter 1982).

Topic 4: The State Budget as a Policy Document

The states are polities partly because they have the constitutional authority to make policies that involve virtually every basic aspect of what it means "to govern." These policies involve: (1) allocating limited resources, (2) regulating human conduct, (3) mediating conflicts of individual rights and community interests, and (4) organizing public action.

The state budget is the most comprehensive means by which state governments make policy. Every item of the state budget reflects a policy decision or the avoidance of one; and virtually all aspects of state governmental activity (as well as many local government activities) are affected by those decisions and nondecisions.

Clearly, the budget is the place where governments decide how to allocate limited resources. Spending decisions are allocation decisions—between statewide and local needs, among different localities, across the range of departmental concerns, and so on. Revenue decisions are also allocation decisions, or, at least, they can be usefully studied in this vein.

But budget decisions provide clues to policy responses that go beyond the allocation of limited resources. Tax policy is perhaps the strongest weapon in the regulatory arsenal of state government, for by taxing activities the states send a message, laced with incentives or penalties, about desirable and undesirable forms of human behavior. On the other side of the ledger, state appropriations are linked to state regulations in at least two ways. First, the enforcement of state regulations can be a costly proposition, and there are many instances of hardnosed regulations whose enforcement goes underbudgeted. Second, state government spending programs, much like federal spending programs, are frequently tied to regulations and mandates. In fact, the coalition needed for an appropriation decision for a new program may require that supporters allow opponents to attach accompanying strings on how the money is to be spent.

In all these respects, state governments are not free to decide at will. States operate under the restraints of their own state constitutions as well as those of the federal Constitution and federal law. How, how well, and for what purposes does state goverment tax, budget, and spend within these restraints? These questions can be used to study the budget process in your state. The resources needed for this topic would include: a budget summary or executive budget, a state publication explaining the budget process, pertinent state constitutional provisions, articles from the newspaper and/or magazine with the best reputation for covering state news, and a class visit by the state legislators representing your area.

Topic 5: The States in the News

If carefully planned, a class newspaper project can be an effective way of monitoring the role of the states in the federal system. The first step is to set the focus of the project. By focusing on the involvement of the states in public affairs, one can avoid the extremes of making the project too unwieldy or too narrow. Purely local news can be eliminated along with purely national and foreign news. At the same time, the scope of state involvement and the concurrent involvement of national and local actors in many issues will provide the project with a sufficient breadth of news coverage and frequency of news articles on related subjects. Additionally, the focus on state involvement makes the initial task of selecting articles much easier, since one can at first rely on the occurrence of the word "state" as a selection criterion. To sustain interest in the project, it is recommended that the focus include all state actors—state government, state officials, candidates for state office, state political parties, and state-based interest groups and other nongovernmental actors.

The second step is to develop a classification scheme for filing newspaper clippings. Here, there are several possibilities depending upon the objectives of the activity. Clippings can be grouped into basic categories of federal-state, state, interstate, and state-local news; however, these categories can be further refined by distinguishing basic types of state involvement. These might focus on the policy process, distinguishing the role of the state in advocating, making, and implementing policies. A more conventional approach would involve classifying state involvement by functional areas (e.g., community development, economic development, education, environmental protection, health and human services, public safety, transportation, and so on).

A third step is to select and subscribe to the appropriate newspaper. Most states have one or more newspapers with the staff and reputation for systematically covering the state issues with a state capital bureau. These newspapers can be identified with the assistance of the editorial staff of your local newspaper. Various sources can be used to supplement this newspaper. For historical background on issue areas, one can consult two annual publications, *Book of the States* and *Congressional Quarterly Almanac*. Background on specific issues will be more difficult to obtain from a single source, unless a library or newspaper in your area maintains a clipping file. Supplementary information can be gleaned from contemporaneous sources, including weekly magazines, other periodical publications, and state government reports.

Organizing the project may be the most difficult task of all. Is every student to receive a newspaper and maintain a clipping file, or will this be a class project with one clipping file? Will the project involve subscribing to daily and Sunday editions, or will it be limited to one or the other? Will there be some provision for duplicating articles located on the back page of other articles?

Preserving and sustaining the project can be a rewarding investment, especially in areas where no other newspaper archives are maintained. With today's advances in technology, serious thought should be given to microfilming a complete clipping file on a yearly basis, and, perhaps, utilizing the school's computer classes to develop, enter, and maintain a filing system based on key words.

7.

Political Parties in the American Federal System

John F. Bibby
University of Wisconsin-Milwaukee

> *. . . party organization tends to parallel governmental organization, particularly the governmental organization prevailing when parties originally developed.*
> *Leon Epstein, 1967*

American political parties have been required to accommodate themselves to the federal character of the Constitution. As a result, American parties have developed a decentralized power and organizational structure. The uncentralized nature of the political party system has contributed to a pattern of national policymaking that enables local, state, and particularized interests to have a major impact. Lack of national party control over the nominations and general election of members of Congress means that these national legislators must be especially responsive to constituency interests.

This traditional emphasis on the decentralized character of American parties is quite appropriate, but it can be overstated. Our parties have both national and confederative aspects. Political parties are the most inclusive and comprehensive institutions in the nation, and, as such, they can exert a centralizing influence as they seek to elect their candidates, organize the government, and influence public policy. Current trends seem to be in the direction of strengthening the centralizing tendencies within both the Democratic and Republican parties.

Effective governance requires an attentiveness to both state/local concerns and those of the nation as a whole. This is a delicate balancing process shaped in part by the character of the party system. At the same time, the national and confederal tendencies of the parties can be manipulated by public policies regarding nominations, elections, and party organization. The implications of such policies for the functioning of political parties and their consequent impact on the federal system should, therefore, consantly be kept in the forefront of public debate.

The Nature of American Parties

In those nations that have held free elections on a continuing basis, political parties are an integral part of the political process. Indeed, the historical development of parties in Western democracies is closely linked to the extension of the franchise, the need for institutions capable of organizing large electorates, and the spread of the belief that governments rest upon the consent of the governed. Parties are, therefore, intimately related to the theory and the practice of democracy as a key intermediary institution between the people and their government. This is evident in the roles that have come to be expected from them:

- —aggregating and mobilizing masses of citizens to contest elections and influence the direction of public policy
- —acting as agents of political socialization
- —nominating candidates for public office—narrowing the field of candidates to make the voters' decisions manageable
- —contesting elections
- —enhancing the voters' capacity to hold governmental decisionmakers accountable for their stewardship in office because all major national and state officials wear readily identifying party labels
- —organizing the decisionmaking agencies of government.

Parties do not perform these functions in splendid isolation from other political forces—interest groups, political action committees (PACs), candidate organizations, and campaign consultants. Rather, parties must compete for influence in the political process. How successfully they compete and perform the functions expected of them have profound implications for the operation of American government.

Since the mid-1970s, American commentators have been worried that political parties have been losing in this competition and that their influence on governance has diminished significantly.[1] The evidence for this seeming party decline includes the diminished influence of party identification on voter choice, the increased incidence of ticket-splitting, and the enlarged role of PACs and campaign consultants in campaigns.[2] Even when these antiparty trends are acknowledged, parties loom large in the politics of America. Only the presidential candidates nominated by the major parties have a reasonable chance of securing a majority in the electoral college. Presidential appointments to the executive branch and the federal bench are awarded in overwhelming proportion to fellow partisans. In the Congress, only individuals elected as Democrats or Republicans serve in the 98th Congress and the institution organizes itself in a highly partisan manner that assures members of the majority party key leadership posts. Analyses of congressional roll calls reveal a consistant pattern of voting along party lines. The parties also permeate every aspect of state government. Only one governor of the 393 elected between 1951 and 1982 was an independent.[3] As Sarah McCally Morehouse observed, only Republicans and Democrats "make the major decisions about who pays and who receives"[4] in the states.

What is a Party in the American Context?

If the parties clearly have an impact on governance, they remain an illusive phenomenon. Taking their cue from Edmund Burke, some political commentators stress the ideological role of parties as a basis for uniting people around a common principle. The diverse policy orientations of party adherents in the United States, however, render such an ideological emphasis inappropriate. Definitions stressing organizational structures are also insufficient because American parties include adherents from the general population of voters as well as dues paying members, party organizational officers and staff, candidates, and government officials. As V. O. Key, Jr. and Frank Sorauf have pointed out, American parties are "three-headed political giants, tripartite systems of interactions, that embrace all these individuals. As political structures they include a *party organization*, a *party in office* [government], and a *party in the electorate*."[5]

American parties are, therefore, tripartite structures that contain varied components: from the weakly committed voter who generally supports the party's nominees to the committed party activist who volunteers time and money; from the party official seeking to run a disciplined organization to the public official who, while elected on a partisan label, seeks to project an image of independence from party ties. As Sorauf notes, the party "embraces the widest range of involvement and commitment."[6]

Parties as Quasi-Public Agencies

In most political organizations, such as interest groups, the clientele of the group—the people whose support is being sought—remain outside the organization and are not accorded an opportunity to take part in the organization's internal decisionmaking. But American parties are quite different. In most states, statutes mandate the use of the direct primary to nominate candidates for public office. Through the direct primary, the clientele of the party—the voter—is given the chance to help select the party's candidates. Thus, one of the most important party functions is shared with virtual outsiders, who have only the most nominal affiliation with the organization. American parties are, therefore, "open, inclusive, semi-public political"[7] organizations quite unlike those in other Western democracies.

In most nations, parties are considered private associations not unlike the Knights of Columbus, Elks, or Rotarians. But, in the United States, there is an extensive body of statutory law, particularly state law, which regulates political parties. State statutes regulate parties in terms of (1) party membership, (2) organizational structure, (3) access to the ballot, (4) methods of nomination, and (5) campaign finance. By giving parties a legal status, specifying their organizational structure, stipulating the functions they will perform, and regulating how those functions will be carried out, state statutes have made parties virtual adjuncts of state government. Their existence in some form is almost assured.

Diversity Among the State Parties

In each state the two major parties differ in the form and composition of their tripartite structure. The resulting 100 state parties are shaped primarily by two influences—those "which define and mold the electorate," and those which "set the basic electoral and governmental structures."[8] The nature of the electorate affects the composition of the parties' electoral supporters and the types of activists that the parties can recruit to their leadership ranks. It also affects the types of campaigns that are run and the relationship between party leaders and the rank and file. State statutes and party rules influence the ways in which the parties must function as they contest elections, organize the government, and seek to influence public policy. The interaction of these two types of influences—the composition of the electorate and the legal constraints imposed by state law—produce an extensive diversity among the state parties.

In some states the electorate is composed of people who tend to divide their loyalties along relatively clear class and religious lines, while in other states party loyalties are complicated by factors of political geography and political culture. The statutes of some states clearly set forth the organizational structure of the parties and the powers of their leaders, while in other states the laws are permissive and allow the parties freedom in organizing themselves. There is also diversity among the states in the types of procedures to be followed in nominating candidates (e.g., open primaries, closed primaries, and pre-primary party endorsement coventions). Each state party is, therefore, unique. In every state, the three sectors of the party have their own particular composition and pattern of interrelationship.

Parties and Federalism

The decentralized power structure of American political parties has long been regarded as a major contributing force to the extensive governmental decentralization that exists in the United States. A classic statement of this viewpoint was made by Morton Grodzins, who said that "the parties function to maintain the division of strength between the central government and the geographic (and other) peripheries."[9] He argued that if the parties were to become more controlled by their national leadership, disciplined, and programmatic, two consequences would likely result: (1) Congressional enactments would be far less likely to take into account the desires and needs of the highly fragmented power groups of the country, including state and local governments. (2) National legislators would be prevented from intervening on behalf of state and local interests in administrative policymaking.

There is, however, another way to view the impact of the American party system on the governmental process. Parties are among the most inclusive and comprehensive organizations in the country in terms of their ability to mobilize suport within the electorate and within governmental institutions. They, therefore, have the capacity for centralizing political power. V. O. Key, Jr. referred to parties as the "solvent of federalism"—the agent capable of surmounting the contraints imposed by the Constitution to forge truly national alliances.[10] Similarly, David B. Truman in 1955 noted that the national party was capable of restraining "federalism's centrifugal tendencies."[11]

The writings of Grodzins, Key, and Truman reflect the opposing influences of decentralization and centralization which political parties have on the American political process. These two sets of influences are the focus of this essay.

Federalism as a Decentralizing Force

Aside from its two-party character, no characteristic of American parties is given greater salience than their decentralized power structures. Political science texts stress the confederate character of American parties and note that the "national parties lead a furtive existence, under ordinary circumstances visible only during presidential election campaigns."[12] American parties are, therefore, viewed as confederative with a diffused pattern of leadership.

It would have been difficult for American parties to have developed as other than decentralized institutions because of the federal character of the Constitution. As Leon Epstein has pointed out, "Federalism is both a social and structural [constitutional] phenomenon."[13] Governmental federalism tends to exist in nations with sectional diversity, at least when governmental institutions are being established. Constitutional federalism, once created, "helps to sustain a degree of social federalism by providing an organized political outlet for the original regional diversity."[14] American political parties did not antedate the federal union and they, therefore, had to organize themselves on a statewide basis for federal as well as state elections. In this way, the parties were forced to adapt to the constitutional principle of federalism in which power is shared between national and state governments.

In the nineteenth century when American parties were developing, there were major incentives to organize strong state parties because the "national and state political stakes were more nearly equal than they are now."[15] Although the states are less powerful relative to the national government in the 1980s than they were in the nineteenth century, states remain potent politcal entities worthy of major party investments to secure control. Parties organized around state and local as well as national elections inevitably become decentralized and confederative in character. This decentralization is strengthened further by each state imposing upon its parties a unique set of statutory regulations under which to operate.

State and local power centers emerge as elected officials and organizational leaders with distinctive constituencies develop their own cadres of supporters. These localized bases of support enable their leadership to assert more independence from national party leadership. Frequently, the interests of state and national party officials are not the same. State candidates and organizational leaders may place a higher priority on electing governors and other state officials than on winning the presidency. Moreover, the federal structure of elected offices and party interests means that candidates often pursue diverse bases of campaign support; and this factor makes it difficult to build a sense of party cohesion among elected officials in government. As William Keefe concludes:

> a federal system, with numerous elective offices, opens up an extraordinary range of political choices to subnational parties and especially to individual candidates.[16]

Federalism is not the only constitutional provision that sustains America's dencentralized parties and the consequent lack of party cohesion within the federal government to enact party programs on a regular basis. The experience of Australia, Canada, and West Germany indicates that it is entirely possible to have unified national parties in parliament while operating within a federalist constitutional structure. The centrifugal forces inherent in federalism are given an encouraging boost in the United States by the constitutional provision for separation of powers—a system which permits members of Congress to serve even when their party's president lacks sufficient congressional support to enact his program. Such a set of circumstances cannot exist in a parliamentary system. The parliamentary system invokes a powerful institutional incentive to support one's party in the legislature. If the government's program fails to win legislative support, then the government is normally expected to resign or call for new elections. Neither of these alternatives is attractive to a member of the party controlling the executive. The penalties for lack of legislative cohesion are severe and create a strong incentive among legislators to support their party's leadership. But in the United States, the institutional incentive to support their party's president is absent and independent-minded behavior—voting one's personal convictions or constituency interest—is encouaraged.

The Consequences of Decentralized Parties

America's dencentralized parties have been fostered and sustained by federalism. This decentralization is apparent in various dimensions of party activity: (1) the functioning of party organizations, (2) the nominating of state, congressional, and presidential candidates, and (3) the running of campaigns, including fund raising. The decentralized character of these aspects of parties, in turn, has an impact on governmental policymaking.

Party Organization. State parties exist as relatively autonomous entities with virtually no ties to each other. They go about their business of selecting party leaders, adopting platforms, nominating candidates, raising money, recruiting volunteers, conducting campaigns, and supporting their incumbent officeholders largely independent of the national parties. There are quite literally a hundred different parties in the fifty states. Each has a different set of leaders, internal factional alignment, organizational structure, objectives, and policy orientations.

Since the 1960s, these state parties have grown in organizational strength; V. O. Key's description of state parties as being characterized by "the almost complete absence of functioning statewide organization"[17] is no longer accurate. Since Key wrote his classic study of state politics, state party organizations have become increasingly institutionalized. In the 1960s and even early 1970s, it was not unusual for a state party to have no headquarters and operate out of the home or business of its chairman. By the 1980s that practice was almost nonexistent.

Today, most state parties have a year-round headquarters with a professional staff and an adequate budget to engage in programs that build and sustain the state and local organizations and also support the campaign activities of their candidates.[18] Except for some modest efforts by the Republican National Committee to build a modern party organization in the once solidy Democratic South, this pattern of increased state party organizational strength has occurred without the involvement of the national parties. The state parties did it largely on their own and they sustain themselves through intra-state activities. They exist as separate and largely independent organizations oriented toward contesting regional elections "and federated only for national elections."[19]

The state parties are linked in a loose federation through national committees. Representation on the Republican and Democratic National Committees reflects the federal principle of the governmental system. Within the Republican National Committee (RNC) each state has equal representation irrespective of its population and Republican voting record. Each state party is entitled to three representatives: the state party chairperson plus a national commiteeman and committeewoman. The Democratic National Committee's (DNC) system for according state parties representation is more complicated. It takes into account population and Democratic voting history in allocating national committee seats to the respective states. But the Democrats, like the Republicans, have organized their national committee to represent primarily state party organizations. For the Democrats, 310 of the total membership, which can vary from 333 to 358, represent state parties. The Democrats also accord symbolic representation to Democratic governors, mayors, and county officials.

In their conduct of internal affairs and the contesting of state and local elections, the national committees treat the state parties as highly autonomous organizations. The national committees do, however, have an impact upon state parties. Within the Democratic party, this influence has been felt primarily through the enforcement of national party rules pertaining to the selection of national convention delegates. The DNC also enforces Democratic Charter provisions, including the requirement that all state parties have written constitutions and bylaws. The RNC has made its influence felt on state parties by providing financial and in-kind services to its state affiliates and candidates. Even though these activities of the Republican and Democratic National Committees have enhanced the power of the national parties, the state parties in the main are autonomous units free to pursue their own objectives through independently determined strategies.

Nominations. Nowhere is the weakness of national party organization more apparent than in the nomination of candidates for congressional, state, and local office. Candidates for these offices are nominated under procedures set forth in a multitude of different state statutes supplemented by state party rules and practices. The national party does not control these processes, even though nominations—especially congressional nominations—have grave national implications for the parties.

Congressional candidate recruitment occurs largely by self-selection rather than by the national party identifying a preferred candidate or the state and local party organizations bestowing the party's mantle on their annointed candidate. The formal nominating process leaves only modest room for party influence. In all but a few instances, congressional candidates are nominated via the direct primary. As a result, candidates are encouraged to build a personal organization that can carry them successfully through a primary struggle. Whether or not that individual is the preferred candidate of the party leadership locally or nationally, the party is obliged to accept that individual as its bona fide nominee.

Neither the national party nor the state and local parties control entry into the Congress via the nomination process. This is in sharp contrast to most Western democracies where nominations are internal party decisions, not public elections. As a result of the direct primary and the loose party organizational structure, the party loses its claim on the loyalty of members of Congress because it does not control candidates' ability to get on the general election ballot with a party nomination.

Nor does the national party control the selection of presidential nominees. Through the rules adopted by the national conventions and national committees, the national party does have jurisdiction over the procedures followed in selecting the presidential nominee. But that procedural jurisdiction does not extend to determining the actual nominee. As in the case of congressional nominations, recruitment is a matter of self-selection—individuals deciding with the advice and counsel of their supporters that the time is auspicious to seek the presidency. Securing the nomination, however, is a matter of gaining the support of delegates selected within the several states.

The "new presidential politics" is characterized by presidential primaries that determine the candidate preferences of a majority of the delegates, open and participatory state party caucuses and conventions, and intense media coverage. The presidential nominating process has been transformed by these developments. Prior to 1968, state and local party leaders exercised decisive influence over the choice of a nominee. Today, party organizational leaders and elected officials have only modest influence on the process. As Jimmy Carter demonstrated in 1976, it is possible for a party outsider—a person largely unknown to a party's national and state leadership—to gain a major party nomination. Even an incumbent president, with his extensive influence over his party's national committee and within the state parties, is no longer assured of renomination, as Gerald Ford discovered when he narrowly gained the GOP nomination over Ronald Reagan in 1976. Ford's successor in the White House, Jimmy Carter, also had to fight off a major challenge by Senator Edward Kennedy (D-Mass.) to win his party's 1980 nomination. Presidents, therefore, like members of Congress, take office with an ambiguous relationship to their party, and their sense of party obligation is limited.

General Election Campaigns. The intra-party centrifugal forces unleashed by the nomination process are compounded by the manner in which partisan campaigns are conducted and funded in the United States. National trends in public opinion, media attention, and campaign politics influence the outcome of presidential, congressional, state, and local elections. But candidates recognize that to a significant degree the outcome of elections is determined by local factors and their ability to achieve a favorable balance of campaign resources over their opponents. With such a favorable balance of resources, the skillful campaigner can overcome an adverse national electoral trend and gain election.

Congressional campaigns in particular reflect this pattern. Once they have survived the primary, most candidates for the U.S. House and Senate maintain highly personalized campaign organizations and raise money on their own. The resourceful congressional incumbent can usually scare off serious challengers by projecting an image of electoral invincibility and raising sufficient campaign funds to mount a major reelection drive. Normally, only a small percentage of the funds required to run come from the national party organization. As a result, congressional campaigns are quite literally a case of candidates being "largely on their own when it comes to financing the campaign directly."[20] Members of Congress, therefore, emerge from the electoral wars with a sense that they won on their own and not because of a party effort on their behalf. To win and survive requires that one cultivate the support and trust of one's constituency. The party cannot guarantee a continued tenure in the Congress. The responsibility rests with the individual legislators themselves.

It is, then, small wonder that the congressional parties have difficulty achieving high levels of partisan unity on legislative roll calls. The legislator knows that it is not the national party that protects them. They have, therefore, created in the Congress a system that protects the independence of the individual member, while providing substantial resources for year-round electioneering and a committee system that affords the opportunity to build support within constituencies vital for reelection.[21]

Presidential campaigns are also organized to a significant degree outside the national party apparatus. Prior to 1974 and the passage of major changes in the Federal Election Campaign Act, federal statutory limits on the amount a campaign committee could spend on a presidential campaign were unrealistically low. This encouraged presidential campaign managers to create a plethora of campaign committees, each spending to the legal maximum to circumvent an unrealistic law. The result was to encourage the presidential candidates to run their campaigns through personal campaign structures rather than through the national party committees. A personal campaign organization also freed the candidate and his managers from any constraints that national or state organizations might have sought to impose.

The public funding provisions of the Federal Election Campaign Act Amendments of 1974 took the party organization even further out of presidential campaigns. Candidates who agreed to accept public funding under the act were required to forego fund raising efforts and the RNC and DNC were restricted to spending $4 million (in 1980) in support of the presidential nominee of their party. Presidential candidates accepting public funding were required to set up a committee to receive and expend the public funds. The law, therefore, created an additional incentive to separate presidential nominees from their national party committees.

The tie between party organizations and candidates at all levels has also been weakened by changes in the techniques of campaigning and the resultant escalation in campaign costs. The modern campaign requires media experts, pollsters, computer specialists, direct mail consultants, and campaign consultants to perform functions—of voter contact, getting-out-the-vote, and public relations—that were formally the province of party organizations. To the extent that the candidates have come to rely increasingly upon non-party sources to provide these essential services, the influence of parties on elected officials has been reduced.[22]

Implications for Policymaking

The decentralized character of party organizations, nominations, and election campaigns has its impact on policymaking. A unified party position on legislation is difficult to achieve within the congressional parties when members of Congress do not feel particularly beholden to the national or state parties in their elections. The decentralized American party system lacks the requisites to compel party unity in the halls of Congress.

First, the fragmented process of nomination is not geared to produce candidates who will vote the party line when they reach the Congress. This is because the national party lacks control over the selection process and because state and local party leaders are in no position to act (even if they were so inclined) as enforcers of party discipline. The direct primary severely restricts any party control of the nomination process.

Second, neither the national nor state parties control the resources necessary to conduct effective general election campaigns. The candidates' personal campaign organizations raise their own funds and with these resources purchase the technical campaign services they need. The candidates seek a personal following among the electors and do not rely upon party voters. The campaign is not a party effort. It is a commodity which candidates individually purchase. Nor do the parties control the significant prerequisites of office that have come to be major campaign resources of incumbent officeholders, especially members of Congress.

The absence of the prerequisites for party government in Congress has meant that national policymaking is not the story of well ordered partisan majorities in Congress marching forward to enact their party's public policy agenda. Party influence on decisionmaking can be pervasive and powerful, but it is seldom sufficient to achieve a major legislative goal. There is probably no issue on which the majority party has greater responsibility than the shape of the federal budget. Yet even on this issue, party unity is often insufficient to pass legislation. For example, from 1975 through 1980, budget decisions in the Senate were determined by bipartisan coalitions; while in the House, leadership supported budget resolutions were twice rejected even though the Democrats controlled over 60 percent of the seats.[23] Further evidence of the inadequacy of partisanship to determine congressional decisions was President Ronald Reagan's reliance on dissident Democrats to pass his budget and tax proposals in 1981.

"Where partisanship ceases, bargaining, compromise, and consensus seeking procedures must begin."[24] The need for these techniques is heightened by the separation of powers with its provision for the separate election of the president and members of Congress. Inevitably, the president and his fellow partisans in Congress, reflecting their differing constituencies and their electoral independence from each other, will come into conflict. Even leaders of the president's party in Congess can find themselves at odds with the White House. For example, the Republican leaders of the House and Senate during the Reagan administration have periodically found it necessary to part company with their president. House Minority Leader Robert Michel was forced to disassociate himself on the House floor from the president's trade embargo towards the Soviet Union when that policy created unemployment problems in his Peoria, Illinois district. And Senate Majority Leader, Howard Baker of Tennessee, has not pressed vigorously for adoption of such White House social policy agenda items as bans on abortion and prayer in public schools.

The Michel and Baker examples are hardly unique. They have their counterparts among Democratic leaders working with Presidents Kennedy, Johnson, and Carter. Extensive negotiation and bargaining and even the forging of temporary alliances among members of the opposition party have been a persistent necessity for presidents and congressional leaders. As a result, national public policy tends to reflect not bold new initiatives, but compromises between contending blocs within and between the parties.

The consequences of a decentralized party system for the substance of public policy can be seen in the formulas enacted by Congress to allocate federal grant funds. These formulas normally distribute benefits widely instead of targeting the money to areas of greatest need. This pattern of allocation is readily explained by the decentralized party system. Given the electoral milieu from which they have emerged, members of Congress have few incentives to view issues from a national, in contrast to a state or district, perspective. They, therefore, seek to provide benefits to the constituents who control their electoral fates. Since presidents and congressional leaders lack effective means of disciplining their fellow partisans, the quest for local benefits is constant within the Congress. R. Douglas Arnold has described the consequences of this process.

> In actuality, many programs ignore legitimate differences in demand. The program whose purpose is to make railroad crossings safer hands out funds under a formula that counts population but not railroad crossings. Law enforcement grants reflect population, not the incidence of crime. Hunter safety grants ignore the concentration of hunters in rural areas. Urban mass transit grants reflect urban population and density, but not how many people actually use mass transit. New York, a city built around mass transit, receives a subsidy of two cents per transit passenger, while Grand Rapids, a product of the automobile, reaps 45 cents per passenger.[25]

Parties as Agents of Centralization

The emphasis on the decentralized character of American parties is quite appropriate, but it can be overstated. Our parties have both national and confederative aspects. From its beginning the American party system has contained a strong national force. Although the Federalists and Jeffersonian Republicans of the first party system (1789-1824) started out as congressional factions, they quickly devoted themselves to the winning of presidential elections and they used a highly centralized nominating device—the congressional caucus. This nominating mechanism gave way to the more decentralized and participatory convention method during the second party system (1828-1856). The Democrats and the Whigs, however, viewed the presidential contests as "the focal point for the mobilization of voters and principal impetus for organizational activity."[26] During the ensuing phases of party development in the United States, the impact of national forces has been woven into the political party system. As Leon Epstein explains:

> However much party organizations . . . have come to establish largely independent state and local bases, their electoral support originated in national and specifically presidential alignments. In other words, the party labels under which organizations could win (or lose) state and local offices derived electoral value from their national association.[27]

In the 1980s, the nationalizing tendencies within American parties are apparent in (1) the impact of national partisan trends on state voting patterns; (2) the growing role of national party organizations in enforcing rules upon state parties; (3) the expanded role of national parties in supporting congressional, state, and local candidates, as well as state party organizations; and (4) the growth of what John Kessel has termed "presidential parties" composed of the followers of particular presidential candidates.[28] These trends toward party centralization are consistent with the increasingly national character of society and the increased power of the national government relative to the states since the 1930s. State parties, however, retain their prominent place in the party system, for, as Epstein has pointed out, "state governments have become less powerful relative to the national government than state parties have relative to their respective national parties."[29]

The examples of party centralization cited above serve as a reminder that an understanding of the role of parties in the political process requires recognition of the fact that strong national and confederative forces coexist within the party system. The parties' impact on American politics is, therefore, neither exclusively decentralizing or centralizing.

The Impact of National Partisan Trends in the Electorate

State politics does not exist in isolation from national political forces. Partisan loyalties tend to be forged in the heat of presidential campaigns and voters are inclined to support the same party in both national and state elections. The pressure of national political forces makes it difficult for third party movements to survive in state politics. Two of the strongest state third parties in this century were the Progressives of Wisconsin and the Farmer-Labor Party in Minnesota. Each, however, was forced to merge itself into one of the major parties by the 1950s because the pull of national partisan preferences within the state electorates was so strong.

Even without the complications of third party movements, it is unlikely that a state can maintain a party alignment of voters that is different from the way they align themselves in presidential elections. The nationalizing forces in American life make it difficult for a state party to adopt a public policy stance that is at odds with the public image of the national party. Although the Democratic state parties of the South sought to project an image to the right of their national party, the disparity between the national and state party images, plus the changing demography and economics of the South, made possible the Republican electoral inroads in the presidential elections of 1952, 1956, and 1964. These electoral beachheads were followed by Republican victories in senatorial, congressional, and gubernatorial elections. By 1982, every state of the old Confederacy had at least one Republican representative in the House, ten of twenty-two Southern senators were Republicans, and all but Alabama, Georgia, and Mississippi had elected a Republican governor between 1966 and 1982. Although the Republicans have not achieved comparable gains in the state legislatures, it is clear that voting alignments of the South are becoming increasingly consistent with those of the rest of the nation.

The inability of reformers to insulate state politics from national forces by scheduling gubernatorial elections in non-presidential years is further testimony to the strength of nationalizing trends. In midterm elections, the president's party normally loses seats in the House of Representatives. There is also a consistent pattern of the president's party losing gubernatorial seats. In every midterm election between 1950 and 1982, the president's party has lost governorships, except 1962 when there was no net change in the number of governorships held by each party. The average net loss of governorships at midterm for the president's party has been six. These data demonstrate that even when the president is not on the ballot, gubernatorial elections are highly susceptible to national trends.[30] The vulnerability of governors affiliated with the president's party at midterm probably is at least partially attributable to the office's high visibility. Governors are widely perceived to be powerful officials and involved in their state's major controversies. With perceived power and visibility comes a strong likelihood of being held accountable for the condition of the state. Running at the head of the party's ticket, the governor, therefore, stands exposed as a readily available target of voter discontent when the president is not on the ballot.

Expanded Rulemaking Power for the National Party

The disruptive Democratic Convention of 1968, which contributed to the party's loss of the presidency, produced a demand for major reforms of the presidential nominating process within the party. As a result, the McGovern-Fraser Commission was created to recommend reforms. Prior to that time, the Democratic party's national rules had been of an ad hoc character—a kind of common law collection of resolutions adopted by previous conventions, decisions of previous convention chairmen, and customs and usage of the convention. The ad hoc character of these rules make them an obvious target for change in the turbulent period that followed the 1968 convention and the party became locked in a continuing struggle over procedures of party governance.

The recommendations of the McGovern-Fraser Commission governing selection of delegates to national conventions became a point of intense intra-party fighting. The Commission recommended a series of strict guidelines which the state parties would be required to follow in the selection of national convention delegates. With adoption of the McGovern-Fraser guidelines, subsequent reform commission proposals, and the Democratic Charter in 1977, the party achieved a detailed and codified set of rules and procedures. Austin Ranney believes that the powers conferred by these rules on the Democratic National Committee and the national convention over the presidential nominating process are so sweeping that the national party's legal authority is "at its highest peak since the 1820s."[31]

This newfound legal authority was used by the DNC and its enforcement arm, the Compliance Review Commission, to compel state Democratic parties to bring their delegate selection processes into compliance with national party rules. Failure to comply would result in a state's national convention delegation not being seated at the convention. Faced with this type of sanction for noncompliance, the state parties embarked upon a massive restructuring of their internal procedures. It was an impressive display of national party legal authority over state party organizations that culminated in a series of U.S. Supreme Court decisions legitimizing the principle that national party rules take precedence over state party rules and state statutes in matters pertaining to delegate selection.

The first of these cases involved the failure of the 1972 Democratic Convention to seat the Illinois delegation led by Chicago Mayor Richard Daley. The Daley-led delegation was unseated because of the charge that it had violated national Democratic party rules in its delegate selection process. In *Cousins v. Wigoda (1975)*,[32] the Supreme Court upheld the national Democratic party in its actions to enforce its rules on state parties.

The Illinois case was followed by litigation pitting the DNC against the Democratic Party of Wisconsin and the State of Wisconsin. Wisconsin statutes required that delegates to the national convention be selected via an open primary procedure, whereas the national party rules stipulated that only closed primaries would be permitted. As in the Illinois case, the Supreme Court ruled in favor of the national Democratic party and upheld its power to enforce rules governing delegate selection, even when those rules were in direct contradiction to statutes.[33] The national Democratic party has, therefore, achieved since 1968 a remarkable degree of power over its state affiliates. It has also been quite willing to exercise this power. The Wisconsin open presidential primary dispute is illustrative of the lengths to which the DNC has been prepared to go in rule enforcement.

Wisconsin was the first state in the nation to institute the direct primary for nominations in 1901 and similarly led the nation in enacting presidential primary legislation. These open participatory procedures were consistent with the state's Progressive traditions and the state's voters have had no experience with any other type of primary. In moving against the state's open primary, the DNC was, therefore, not only challenging a state statute governing a political party, it was also forcing its Wisconsin affiliate to take action that ran counter to the state's political traditions. A change from the open primary to either a closed primary or caucus method of delegate selection posed the likelihood of electoral damage to the Wisconsin Democratic party, whose state legislators had steadfastly refused to change the Wisconsin statute. The national party was, however, prepared to enforce its rules despite potential harmful consequences for the Wisconsin Democrats.

Although the Wisconsin and Illinois decisions confer similar rulemaking authority on the Republican national party, it has not followed the Democratic route of imposing restrictions upon its state parties. Indeed, it has followed a conscious policy of refraining from exercising this authority. This was apparent in 1973 when the RNC refused to recommend approval of an affirmative action proposal for state party delegate selection procedures. The proposal was made by a reform commission—the Rule 29 Committee—chaired by Congressman William Steiger of Wisconsin. The Rule 29 Committee recommended a mild affirmative action plan which would have required state parties to file reports on their "positive (affirmative) action" programs with the RNC, which would only be authorized to review and comment on the states' programs. Amid warning that the Rule 29 plan constituted a "threat of party domination from Washington," the RNC rejected the Rule 29 "positive action" plan and confirmed its commitment to maintaining the party's confederate legal structure.[34]

Extending National Party Services to State Parties and Candidates

The RNC's reluctance to extend its rule enforcement authority over state parties should not be interpreted as indicative of an absence of centralizing tendencies within the Republican party. Within the GOP, there has been a movement from confederation to federation since the 1960s through a series of RNC programs designed to strengthen state organizations and assist state and local candidates.

National Chairman Ray C. Bliss (1965-1968) started these assistance programs in a modest way. Under the chairmanship of Bill Brock (1977-1981), these programs were expanded to unprecedented levels. Funds were given to state parties to hire professional staff, and technical services were provided for data processing, fund raising, redistricting, and organizational activities. In addition, a multi-million dollar local elections division provided direct assistance to state and local candidates. Through these activities, the RNC increased its influence over state parties because most were anxious to participate in the RNC-initiated programs and share in their benefits. By using its ample financial resources to aid state parties and candidates, the RNC has achieved an enlarged role in the political process and increased the functional interdependence of the national and state Republican parties.[35] While it is impossible to measure accurately the electoral impact of these RNC programs, there is a consensus among political leaders that the GOP resurgence in 1978 and 1980 was aided substantially by Brock's program of providing national party support to grass roots Republican organizations and campaigns.

The national Republican party—especially through its Congressional and Senatorial (Campaign) Committees—has also become increasingly aggressive in recruiting candidates, providing technical campaign assistance, and funding its candidates. With a high level of financing, the National Republican Senatorial and Congressional Committees were able in 1982 to provide skillfully targeted assistance to GOP candidates in marginal districts and states. These national party efforts enabled the Republicans to hold their 1982 midterm losses in the House to twenty-six seats, which was well below the loss that might have been anticipated given the depressed state of the economy. The Republicans were also able to maintain their Senate majority. The efforts of the national Republican party were thus "able to buy a hedge against normal midterm losses by . . . concentrating resources on marginal races where an additional technology-generated two percent of the vote could tip the election."[36] The impact of this national party effort has been particularly noticeable in Senate contests. In 1980 and 1982 the GOP won nineteen elections in which candidates received less than 53 percent of the vote. The Democrats won only four such Senate races in these years. As Larry Sabato has pointed out, "It is no accident that the GOP has done better in Senate contests than in House contests, because the FECA (Federal Election Campaign Act) permits the greatest party activity in Senate elections and the GOP campaign advantages are therefore magnified."[37]

The Democratic National Committee played only a little role through the 1970s in providing assistance to its state parties and candidates. However, in the 1980s under the leadership of its national chairman, Charles Manatt, it has moved slowly to develop the direct mail fund-raising capacity required to mount a RNC-type program. Manatt has also brought the DNC into the business of assisting state parties and candidates in the 1980s. The activities of the national Democratic party units, however, lag far behind those of the Republicans.[38]

Not only are the national party organizations providing a national focus to the party system through their support of congressional, senatorial, and state candidates, they are engaging in national institutional advertising on a large scale. This is advertising designed to support the party, not specific candidates. In 1980 the Republicans spent $9.5 million on ads that attacked the Democratic Congress and urged voters to "Vote Republican—for a change." In 1982 the Republicans continued this pattern of heavy institutional advertising with a midterm program costing $15 million.[39]

The Democrats also mounted institutional advertising efforts in 1982, though their more limited financial resources dictated a much more modest effort. The competing party advertisements were thought to be so important that the national networks featured them in their evening news programs. Through this form of advertising the parties are making congressional and senatorial elections less local and more national contests.

Taken together, recent developments within the national Republican and Democratic party organizations have created stong centralizing forces within the two parties. The implications of the national party organization's increased involvement in campaigns, however, goes well beyond the question of who wins and loses congressional seats. It extends to the nature of decisionmaking in Congress.

To the extent that the resources of the national party become increasingly important to the success of individual candidates for Congress, the congressional party leadership may gain greater leverage and influence with their colleagues. If assistance from the national party begins to determine the difference between electoral success and defeat, one can expect members of Congress to become more responsive to the entreaties of their party's congressional leaders and president. The high levels of party unity exhibited by Republican representatives and senators elected in 1978 and 1980 with substantial national party support indicate that the activist GOP national campaign committees are already having an impact on party unity. The increased use of institutionalized advertising by the two national party organizations also holds the potential for enhancing the role of parties in congressional decision-making. Fellow partisans elected while using the same advertising themes developed by the national party are more likely to stand united behind a party program than are legislators elected on the basis of their own localized campaign themes.

The New Presidential Politics

Presidential nominations until the 1970s were dominated by the leaders of state and local parties. A majority of the national convention delegates were chosen by party-dominated caucuses and conventions. Most attempts to influence the candidate preferences of these delegates were made after they had been selected at caucuses and conventions. To win support of these delegates, it was necessary to have a great deal of political intelligence about state politics and to influence the leaders of state parties. Richard Neustadt described the pre-1970s period of presidential nominating politics as the "age of the barons" when "in each major party some 50 to 100 men—state leaders, local bosses, elder statesmen, big contributors—decided nominations."[40]

Presidential primaries did not dominate the process. In 1952 only fifteen states held primaries. Rather, the primaries were important mainly because they constituted an ostensibly objective measure of the candidates' vote-getting ability. But winners of presidential primaries still had to convince state and local party leaders that they were worthy of organizational support. Some early primary winners like Democratic Senator Estes Kefauver of Tennessee in 1952 failed in that effort, while others like Democratic Senator John F. Kennedy of Massachusetts in 1960 used their primary wins to gain leverage with party leaders.

If the pre-1970s era was the "age of the Barons," the 1970s and 1980s have become the "age of the candidates."[41] Presidential aspirants increasingly seek nominations through direct national campaigns for voter support. In this they have been aided by the proliferation of presidential primaries, held in thirty-seven states in 1980. Seventy-five percent of the 1980 national convention delegates were chosen in states with presidential primaries. The primaries place a premium on media exposure, direct appeals to voters, canvassing by committed volunteers, and strong personal organizations of the candidates, not on the support of party leaders in the states. The early primaries—especially the New Hampshire primary—have a decisive influence on presidential nominations.

The candidate-oriented nature of the nomination process has been facilitated by a series of party rules changes and federal statutes. Beginning with the recommendations of the McGovern-Fraser Commission in the early 1970s through a series of successor commissions, the Democrats have adopted a complex set of delegate selection procedures that have made the process more open and participatory. The net effect of these rule changes has been to shift power away from state and local party leaders. At the same time, the Federal Elections Campaign Act, by imposing severe limits on contributions to presidential candidates and making available federal matching grants, has further diminished the influence of large contributors to the parties.

These changes have transformed the presidential nominating system from a party process into a primary-centered and candidate-oriented process. The party organization is no longer the judge of the candidates for presidential nominations; its conventions merely bestow the party's mantle on the candidate who has been most successful in the presidential primaries.

The decline in the ability of the traditional confederative structure of party leaders to control presidential nominations has been deplored by many political observers. But as Leon Epstein points out, the development of candidate-oriented presidential politics does include a positive party development. A new "presidential party"—the national following of activists gathered about a candidate—has emerged. Although these organizations are more ad hoc than the traditional party organization, they do have considerable continuity. For example, the conservatives who first mobilized for Barry Goldwater in 1964 formed a core of the activists who later joined in Ronald Reagan's drives for the GOP nomination in 1976 and 1980. Similarly, the liberal cadres of the Stevenson era remained in place to work for Eugene McCarthy and three successive Kennedy candidacies.[42]

John Kessel's study of these "presidential parties" reveals that they are more highly issue oriented than the traditional party organizations. They are also more national in character—nationwide in their conservatism and liberalism. They are well adapted to campaigning in a nominating system that largely ignores the state party leadership.[43]

These national networks of issue-oriented activists are not only nationalizing the presidential nominating process, they are also having an impact on the governing abilities of presidents. These "presidential parties" are a resource that presidents can use in mobilizing support for their programs. President Reagan, for example, used these networks effectively in 1981 to exert pressure on reluctant members of Congress to support his economic proposals and again in 1982 to prevent a congressional veto of a projected sale of AWAC aircraft to Saudi Arabia.

Implications for Public Policy

Political parties are the main intermediaries between the people and their government. As such they are an essential element of modern democracy and, for this reason, most scholars have argued for the strengthening and preservation of parties. In the United States, parties have been organized to reflect the federal character of the Union. Federalism has contributed to the traditional decentralized nature of American parties. The parties in turn have reinforced governmental decentralization and helped to assure that local and state interests are taken into account in national policymaking. At the same time, the parties have always had a national character and a nationalizing influence on our politics. Current trends within the party system seem to be toward greater centralization and a nationalization of American politics, though the tendencies toward decentralization remain a potent force in American party politics. The parties thus function to balance both essential national concerns and the legitimate interests of local and state communities.

Decentralized parties have been justified because they have enabled local and particularized interests to have an impact on national policymaking. National legislators have been responsive to these localized concerns because the national party has been too weak to influence significantly either their nomination or reelection. The tendency of decentralized parties to encourage an accommodation to demands of local and particularized interests, it is argued, has contributed to political stability. Few interests are totally ignored in the decisionmaking process and competing group demands must be accommodated because parties are too fragmented to force through policies totally antithetical to significant groups in society. It is further argued that the government's potential for arbitrary action against individuals and communities is limited because national legislators receive an electoral payoff for being responsive to these special concerns as they shape legislation and oversee the executive branch.[44]

Whatever the admitted benefits of decentralized parties, critics assert that there are also real costs. By seeking to accommodate localized interests, congressional policymaking often is indecisive, delayed, and unresponsive to real areas of need. It is claimed that the tendency to pass out federal dollars in a manner that distributes benefits widely results in a failure to target scarce federal dollars to the most needy areas. The fragmented nature of the parties also makes it difficult for the average voter to assign responsibility for public policy to one party or the other, even if the party controls the Congress. In the process, it is argued that public accountability of elected officials to the voters is weakened.[45]

The dispute between the advocates of decentralized versus more centralized parties is not easily resolved. It is clear, however, that there is a delicate balance between the centralizing and decentralizing tendencies of political parties. It is also clear that this delicate balance can be affected by public policy decisions. Either the national or the confederative forces at work within the parties can be encouraged by public policies pertaining to elections, nominations, and campaign finance. The implication of such policies for the functioning of political parties is, therefore, critical to the form of America's federal democracy. For further study on this point, the reader is directed to the policy-oriented topics appended to this essay.

Endnotes

[1] See David S. Broder, *The Party's Over* (New York: Harper and Row, 1971) and William J. Crotty and Gary C. Jacobson, *American Parties in Decline* (Boston: Little, Brown, 1980).

[2] For an excellent analysis of the effect of PACs and political consultants, see Larry J. Sabato, *The Rise of Political Consultants* (New York: Harper and Row, 1981).

[3] Larry J. Sabato reported that only 1 of 357 governors elected between 1951 and 1981 was an independent. In the 1982 election, all 36 governors elected were partisan candidates. See Larry J. Sabato, *Goodbye to Good-Time Charlie* (Washington, D.C.: Congressional Quarterly Press, 1983), p. 14.

[4] Sarah McCally Morehouse, *State Politics, Parties and Policy* (New York: Holt, Rinehart and Winston, 1981), p. 29.

[5] Frank J. Sorauf, *Party Politics in America* (4th ed.; Boston: Little, Brown, 1980), p. 8. Also see V.O. Key, Jr., *Politics, Parties and Pressure Groups* (New York: Crowell, 1964), pp. 163-165.

[6] Ibid., p. 10.

[7] Ibid.

[8] Ibid., p. 420.

[9] Morton Grodzins, "American Political Parties and the American System," *Western Political Quarterly* 13 (December 1960): 996.

[10] V.O. Key, Jr., *American State Politics: An Introduction* (New York: Knopf, 1956), p. 34.

[11] David B. Truman, "Federalism and the Party System," *American Party Politics*, eds. Donald G. Herzberg and Gerald Pomper (New York: Holt, Rinehart and Winston, 1966), p. 33.

[12] William J. Keefe, *Parties, Politics, and Public Policy in America* (New York: Holt, Rinehart and Winston, 1980), p. 30.

[13] Leon D. Epstein, *Political Parties in Western Democracies* (New York: Praeger, 1967), p. 31.

[14] Ibid., p. 31.

[15] Ibid., p. 33.

[16] Keefe, *Parties, Politics, and Public Policy in America*, p. 30.

[17] Key, *American State Politics*, p. 271.

[18] James L. Gibson, Cornelius P. Cotter, John F. Bibby, and Robert J. Huckshorn, "Assessing Party Organizational Strength," *American Journal of Political Science* 27 (May 1983): 193-222.

[19] Epstein, *Political Parties*, p. 32.

[20] Gary C. Jacobson, *The Politics of Congressional Elections* (Boston: Little, Brown, 1983), p. 55.

[21] David R. Mayhew, *Congress: The Electoral Connection* (New Haven: Yale University Press, 1974), Chap. 2.

[22] On campaign consultants and their impact on the political process, see Sabato, *The Rise of Political Consultants*.

[23] Allen Schick, "How the Budget Was Won and Lost," *President and Congress: Assessing Reagan's First Year*, ed. Norman J. Ornstein (Washington, D.C.: American Enterprise Institute, 1982), p. 20.

[24] Fred I. Greenstein, *The American Party System and the American People* (Englewood Cliffs, N.J.: Prentice-Hall, 1970), p. 104.

[25] R. Douglas Arnold, "The Local Roots of Domestic Policy," *The New Congress*, eds. Thomas E. Mann and Norman J. Ornstein (Washington, D.C.: American Enterprise Institute, 1981), p. 268.

[26] Leon D. Epstein, "Party Confederations and Political Nationalization," *Publius: The Journal of Federalism* 12 (Fall 1982): 71.

[27] Ibid.

[28] John Kessel, *Presidential Campaign Politics* (Homewood, Ill.: Dorsey Press, 1980), Chap. 3.

[29] Epstein, *Political Parties*, p. 33.

[30] For further data on the influence of national political trends on gubernatorial and state legislative elections, see John F. Bibby, "State House Elections at Midterm," Thomas E. Mann and Norman J. Ornstein, eds. *The American Elections of 1982* (Washington, D.C.: American Enterprise Institute 1983), pp. 111-132.

[31] Austin Ranney, "The Political Parties: Reform and Decline," in *The New American Political System*, ed. Anthony King (Washington, D.C.: American Enterprise Institute, 1978), p. 230. See also James W. Ceasar, *Presidential Selection* (Princeton: Princeton University Press, 1979), pp. 288-289.

[32] 419 U.S. 477 (1975).

[33] *Democratic Party of the United States of America v. Bronson C. LaFollette*, 449 U.S. 897 (1981).

[34] John F. Bibby, "Party Renewal in the National Republican Party," *Party Renewal in America*, ed. Gerald M. Pomper (New York: Praeger, 1980), p. 106.

[35] Bibby, "Party Renewal," pp. 102-115; John F. Bibby, "Political Parties and Federalism: The Republican National Committee Involvement in Gubernatorial and Legislative Elections," *Publius: The Journal of Federalism* 9 (Winter 1979): 229-236.

[36] Larry J. Sabato, "Parties, PACs, and Independent Groups," *The American Elections of 1982*, eds. Thomas E. Mann and Norman J. Ornstein, p. 81.

[37] Ibid., p. 82.

[38] For an account of the 1982 campaign activities of the national Democratic party, see ibid., pp. 82-86.

[39] Ibid., pp. 77-79.

[40] Richard E. Neustadt, *Presidential Power* (New York: Wiley, 1980), p. 175.

[41] Ibid., p. 176.

[42] Epstein, "Party Confessions," p. 78.

[43] Kessel, *Presidential Campaign Politics*, p. 264.

[44] For a defense of the American party system, see Grodzins, "American Political Parties", and Edward C. Banfield, "In Defense of the American Party System," *Political Parties in the Eighties*, ed. Robert A. Goldwin (Washington, D.C.: American Enterprise Institute, 1980), pp. 133-149.

[45] The critique of decentralized parties is largely that of the "responsible party" advocates. For a discussion of the "responsible party" model, see Austin Ranney, *The Doctrine of Responsible Party Government* (Urbana: University of Illinois Press, 1962).

Topics for Further Study

Topic 1: Decentralized Parties and Congressional Decisionmaking

The actions of national legislators are affected by the political milieu out of which they have emerged. Members of Congress are forced to seek renomination and election within a context of limited party support. They have, therefore, organized congressional institutions to facilitate their reelection goals and they engage in policymaking practices that are similarly beneficial to their reelection. Excellent discussions of the implications of a weak party system for congressional decisionmaking can be found in David Mayhew, *Congress: The Electoral Connection* (New Haven: Yale University Press, 1974) and Gary C. Jacobson, *The Politics of Congressional Elections* (Boston: Little, Brown, 1983).

Topic 2: The Trend Toward More Centralized Parties: Presidential Nominating Reform in the Democratic Party

Since their divisive 1968 national convention, the Democrats have engaged in quadrennial efforts to reform their party, especially the procedures for delegate selection. One of the consequences of these reforms has been to strengthen the national Democratic party's control over its state affiliates. Such activities raise significant issues concerning the degree of autonomy that state parties should exercise in delegate selection, the future of parties as institutions, and the types of candidates ultimately nominated to serve as president. A provocative consideration of these issues is found in Nelson W. Polsby, *Consequences of Party Reform* (New York: Oxford University Press, 1983). Polsby's critical appraisal of the Democratic reforms is contested by William Crotty's *Party Reform* (New York: Longman, 1983).

Topic 3: The Trend Toward More Centralized Parties: National Republican Fund Raising and Campaign Activities

The national Republican party has eschewed the Democratic pattern of rules reform that imposes extensive controls over state parties. Instead the GOP has maintained the confederate legal structure of the party. It has, however, engaged in unprecedented levels of national party fund raising and campaign assistance to its candidates for federal and state office. It has also spent heavily on institutional advertising that stresses party campaign themes rather than support for specific candidates. This revolution in national party involvement in campaigns has strong nationalizing implications for the party system. For an up-to-date account of national party campaign activites, see Larry Sabato, "Parties, PACs, and Independent Groups," *The American Elections of 1982*, eds. Thomas E. Mann and Norman J. Ornstein (Washington, D.C.: American Enterprise Institute, 1983), pp. 72-110. The activities of the national parties can also be followed during the campaign season in such news publications as *The New York Times, The Washington Post, Congressional Quarterly Weekly Report* and the *National Journal*.

Topic 4: Campaign Finance Policy

Current national policy as reflected in the Federal Election Campaign Act (FECA) tends to have significant nationalizing consequences. Candidates for major party presidential nominations, who receive federal matching funds, must abide by strict state and national spending limitations. To permit state and local campaign leaders freedom in fund raising and spending, risks violation of the FECA and severe penalties. To guard against such penalties, presidential aspirants must run highly centralized and nationally directed campaigns. Public funding of presidential campaigns in the general elections also encourages centralized campaigns and the creation of national rather than confederate campaign organizations. Candidates who accept public funding—as all major party candidates have since 1976 when it first became available—must abide by strict spending limitations. This again inhibits state and local party activity in the campaign and results in highly centralized campaign organizations.

Because state and local parties were excluded by the FECA from playing a meaningful role in the 1976 presidential campaign, Congress amended the statute for the 1980 election to permit state and local parties to spend without limit on local organizing activities to get out the party's vote. This easing of the state and local spending restrictions encouraged substantial state and local party organization participation in the 1980 campaign—especially by the Republican organizations. In the 1980 campaign, Republican state and local parties raised and spent $15 million to support the Reagan-Bush ticket, while Democratic state and local parties raised and spent $5 million on behalf of Jimmy Carter's reelection bid. Any future changes in the FECA as it pertains to presidential elections will, like the current provisions, have significant implications for the relative power positions of national and state parties.

The FECA also regulates congressional and senatorial campaign spending. Here again, the law has had the effect of diminishing state party involvement. State parties are severely limited in the amounts they can contribute to House candidates—$5,000 per candidate in the primary and $5,000 per candidate in the general election. Since this is but a minute part of the total required to run a strong campaign in a competitive district, state and local parties have been largely excluded from a significant role in these elections. Lifting the contribution ceiling would potentially enhance their role.

In Senate elections, party organizations are permitted to spend substantially larger amounts to support individual candidates. But an interpretation of the law has permitted party organizations, such as the National Republican Senatorial Committee, to assume the expenditure quotas of state parties. Through these so-called "agency agreements" a national party committee can thereby double its spending allotment and assume a major share of the cost of senatorial campaigns. The law is, therefore, operating to nationalize senatorial campaigns, especially for the Republicans whose national party organizations have the resources to make "agency agreements" with state parties.

Proposals being considered by the Congress could further change the relative influence of state and national parties. Republicans have generally advocated lifting or abolishing the expenditure limits on political parties in congressional and senatorial elections, while the Democrats with their smaller national party war chests have opposed such a policy. Should national parties be given the right to spend at a higher level than currently permitted, it would certainly have the effect of further nationalizing the party system. The national parties would then assume a larger role in funding congressional and senatorial campaigns because of the superior capabilities of the national parties to raise large amounts of money from small contributors via direct mail solicitations. If the national party organizations were to dominate campaign spending—in contrast to the currently decentralized pattern of campaign spending—it is quite possible that party discipline in Congress might be enhanced. National legislators would be much more dependent upon their parties for survival than is currently the case and the party leadership would, therefore, have greater leverage. These nationalizing tendencies would, however, be mitigated if the state and local parties were also authorized to spend on behalf of their congressional and senatorial candidates at a higher level than is now permitted.

Another campaign finance proposal being debated would extend public financing of elections to congressional and senatorial campaigns. This proposal is advanced largely as a way of combating the perceived expanded influence of special interests in campaigns. It would undoubtedly restrict direct contributions to candidates by interest groups, but it would also diminish the campaign role of both national and state parties. Candidates would be even freer of party influence in their congressional decisionmaking than they already are because the party would not be a source of significant campaign support. For a further discussion of the FECA, see John F. Bibby and Cornelius P. Cotter, "Presidential Campaigning, Federalism, and the Federal Election Campaign Act," *Publius: The Journal of Federalism* 10 (Winter 1980): 119-136.

Topic 5: A National Presidential Primary

The current method of nominating presidential candidates involves a confusing array of presidential primaries and party caucuses in the fifty states extended over a period of approximately five months. The procedures used in the states vary significantly and the two parties operate under differing sets of rules. In recent nominating campaigns, the early delegate selection events, such as the Iowa caucuses and the New Hampshire primary, have had a major impact in deciding who the major party nominees would be. Criticisms of this system abound. It is at one and the same time argued that the process gives undue influence to issue-oriented activists who are unrepresentative of the party rank and file, that a few early primaries in small states exert undue influence on the selection of the nominee, that there is insufficient participation in the candidate selection process by rank and file voters, and that it produces nominees who are frequently lacking in broad popular support and inexperienced in national politics and governance.

To rationalize the process of presidential nominations, there are proposals to institute a national presidential primary for selecting the nominees of the major parties. Such a method of candidate selection would in all likelihood weaken state and local parties. Whatever vestiges of state and local party involvement in the nomination process now exist—especially in states that select delegates via the caucus/convention method—would largely disappear. National presidential primary campaigns would not involve state parties in any significant way. Even more than now, they would be national media campaigns run in a highly centralized manner. A national primary would encourage prospective candidates to bypass the state party organizations in favor of campaigns stressing personal publicity for the candidate. The presidential party—the organization and followers of the candidates—would be strengthened at the expense of the traditional confederate structure of the party. For a critique of the proposed national presidential primary, see Nelson W. Polsby and Aaron Wildavsky, *Presidential Elections* (5th ed., New York: Charles Scribner's Sons, 1980), pp. 223-229.

Topic 6: Direct Popular Election of the President

Election of the president under the electoral college system means that presidential elections are in reality a series of fifty state elections, with each contest determining for whom the state's electoral votes will be cast. Presidential candidates must, therefore, organize their campaigns around state as well as national strategies. This normally means that state parties and state issues play some role in presidential campaigns.

The direct election of presidents would convert presidential elections from fifty separate state contests into one national plebiscite. The need for state campaigns would be reduced, and national campaign decisionmaking and activity would take on even greater importance than it already has. The effect would be to further centralize American politics. Particular state interests would have less influence on presidents than they currently have because the president's constituency would be truly national instead of being a combination of states that provided a majority in the electoral college. For a defense of the electoral college, see Polsby and Wildavsky, *Presidential Elections*. Also see Martin Diamond, *The Electoral College and the Idea of American Democracy* (Washington, D.C.: American Enterprise Institute, 1977); Alexander M. Bickel, *Reform and Continuity: The Electoral College* (New York: Harper and Row, 1971). Support for proposals calling for direct popular election of the president is found in Lawrence D. Longley and Alan G. Braun, *The Politics of the Electoral College* (New Haven, Conn.: Yale University Press, 1972).

Suggested Readings for Teachers

There are numerous texts on American political parties. Probably the most complete is Frank J. Sorauf, *Party Politics in America* (4th ed.; Boston: Little, Brown, 1980). This book provides a firm conceptual basis for understanding the operation of parties. An insightful overview of parties is William Keefe's *Parties, Politics and Public Policy* (New York: Holt, Rinehart and Winston, 1980).

The relationship between federalism and the party system has not been a major focus of political party scholars. The most thoroughgoing analysis of this relationship is available in Leon D. Epstein, *Political Parties in Western Democracies* (New York: Praeger, 1967). Epstein considers parties and federalism from a cross-national, comparative perspective. Two classic discussions of federalism and American parties are Morton Grodzins, "American Political Parties and the American System," *Western Political Quarterly* 13 (December 1960): 974-998 and David B. Truman, "Federalism and the Party System," *Federalism: Mature and Emergent*, ed. Arthur W. MacMahon (New York: Doubleday, 1955), Chap. 8.

State political parties have only recently become the subject of political science research in spite of their importance for the operation of the federal system. Robert J. Huckshorn's *Party Leadership in the States* (Amherst: University of Massachusetts Press, 1976) describes the role of the state party chairman as a participant in state and national politics. Two recent texts provide descriptions and analysis of the role of the state parties in electoral and governing processes in the states. These are Malcolm E. Jewell and David M. Olson, *American State Political Parties and Elections* (Homewood, Ill.: Dorsey Press, 1982) and Sarah McCally Morehouse, *State Politics, Parties and Policy* (New York: Holt, Rinehart and Winston, 1981). V.O. Key, Jr. pioneered the study of state parties and politics and clearly demonstrated that the character of state parties has an impact on national decisionmaking. See his *Southern Politics* (New York: Knopf, 1949) and *American State Politics: An Introduction* (New York: Knopf, 1956).

One of the most significant changes in the American party system is the strengthening of the national party organizations. Historical perspective on this evolving process is contained in Cornelius P. Cotter and John F. Bibby, "Institutional Development of Parties and the Thesis of Party Decline," *Political Science Quarterly* 95 (Spring 1980): 1-27. See also Gerald M. Pomper, ed., *Party Renewal in America* (New York: Praeger, 1981). A thorough analysis of the changing role of the national party organizations in campaigns is Larry Sabato's chapter in Thomas E. Mann and Norman J. Ornstein, eds., *The American Election of 1982* (Washington, D.C.: American Enterprise Institute, 1983). Another nationalizing influence on the party system is the emergence of the "presidential party"—the organization and followers of major presidential candidates. This phenomenon and its implications are considered by John Kessel in *Presidential Campaign Politics* (Homewood, Ill.: Dorsey Press, 1980).

Students are often attracted to two proposals for reform of the presidential nomination and election process—a national presidential primary and the replacement of the electoral college with direct popular election of the president. Nelson W. Polsby and Aaron Wildavsky have analyzed these proposed reforms in terms of the impact on the party system in their quadrennial volumes on presidential elections. See these authors' *Presidential Elections* (6th ed., New York: Charles Scribner's Sons 1984).

A related matter of reform that has been hotly debated is the process of presidential nominations in the Democratic party. The changes instituted by the Democrats since 1968 have dramatically altered the nominating process (for both parties) and strengthened the national party organization at the expense of the states. The types of campaigns that are required for achieving a major party nomination have also changed, with the parties playing a much more passive role in the process. The consequences of these changes for the functioning of the party system and governance are considered in a provocative manner by Nelson W. Polsby, *Consequences of Party Reform* (New York: Oxford University Press, 1983). In contrast to Polsby's sharp criticisms of the reforms, William Crotty is a defender of the reform process. See his *Party Reform* (New York: Longman, 1983).

8.

The Uses of Blandness: State, Local, and Professional Roles in Citizenship Education

Frederick M. Wirt
University of Illinois

The pluralism of American society generates many subcultures, each sharing often distinctive values, while the unity of that society generates a national culture. All social institutions reflect these subcultural and national values, and the education system is called upon to deal with them directly. This essay demonstrates that school professionals involved in developing citizenship education curricula tend to emphasize the national values in a way that minimizes the potential conflict that subcultures create. The result is a "blandness" in textbooks, course content, and pedagogy.

A review of the degree of state control over textbook selection and citizenship courses finds that the states control this subject very tightly and urge national values in the curriculum. The findings are consonant with the proposition that government in a federal system needs to monitor carefully the potential for conflict between subcultures by emphasizing broad, national values. This strategy is highly functional for all actors in citizenship education politics. It minimizes the degree of community pressure from subcultures on school teachers and administrators, but does work to contribute to the construction of a national norm of "civics."

This essay concludes with two sets of suggestions about improving citizenship education. One cautions what should not be done. Given the degree of institutionalization of the process described, wholesale reform is unlikely given the functional uses of existing practices. A second suggests what can be done by drawing on outside resources.

Introduction

The major factors which shape our civic education arise from the diversity of our citizens and their political system. These factors are: potential conflict between group and national cultures in our society; forces that work to socialize citizens either to accept or tolerate value differences; and the role of states and communities in dealing with cultural variety and the potential for conflict. As a result of these factors, the content of civic education must respond to strains of both diverse and national values, of both local and state stresses. However, these factors also necessarily work upon this mosaic of values to produce the lowest common denomiminator of the meaning of citizenship, hence what I will term its *blandness*.

We begin with a sketch of significant societal forces. Thereafter we will examine the role of state and local governance in responding to such forces, and then the role of the professions in socialization.

Cultural Diversity and Social Conflict

Educators are regularly taught that their tasks arise out of societal needs. How much of that is believed or acted upon is debatable. So too are the questions: Whose needs? What priority of needs? But civic education is particularly linked to society because of the importance that groups attach to the political lessons taught the young. So we begin with a review of reasons why society as a whole, and agencies governing education in particular, have an interest in civic education.

A view of society as having a multi-group, or pluralist, social base was not only the political outlook of James Madison and the other founders, but it has been a constant view throughout American history. The number of political groups known to the founders were few compared to those of today, but the constant richness of diversity has been a source of both strength and hindrance in our history. This subject is fully explored in John Kincaid's essay in this collection, so it requires here only a sketch of its salient consequences for conflict.

Diversity means difference, and difference is hard to live with. There is probably no matter on which human beings differ that has not been a source of rivalry, competition, or conflict in world history. The demographer's portrait of the American people as a diverse people provides numberless dimensions on which this tension over difference may arise—ethnicity, religion, politics, sex, race, status, age, territory. The anthropologist's portrait provides a view of group cultures and culture groupings whose members possess a sense of shared values and actions about important matters, socialize their young to those valued beliefs and behaviors, and, perhaps, see the larger society as a threat to their cultural system. Recent evidence of group intolerance paints such a picture.[1] Such patterned action will here be termed "subculture," when it involves embedded orientations to the ways in which members view and order the political world.

Not only do the values of one subculture create potential conflict with others—as well as limited cooperation—but it can also conflict with national or general culture of which it is often one strand. National cultural values arise from the historical working out of the meaning of basic secular values for all society. One of these values is constitutionalism, for example. These values achieve through time a meaning shared, more or less, by most citizens. For shorthand purpose, let us term this singular complex of value and behavior the "national culture," in contrast with the variety of "subcultures."

Members of subcultures are motivated to promote and protect their distinctive values, and one way to do so is through political means. Given the problem of limited social resources available to meet the preferences of all subcultures, politics becomes the process of distributing, redistributing, and regulating finite resources and values among these infinite demands. Such tasks are carried out by public policy agencies in all branches and arenas of government. Whether these subcultures seek greater income, deference, or safety—in Harold Lasswell's classic formulation of policy goals[2]—the effort requires both cooperation and conflict among subcultures. Note that both these modes of action also permeate other American institutions in addition to the political. Industry, professions, universities—all are arenas for the realization of the value of some subcultures but not others. As we shall see, public education is not immune from this process.

The Social Management of Conflict

There is one aspect of this process which raises a particular threat to all participants. This is the kind of subculture conflict which gets out of control. That threat can take two forms, escalation and permeation. The escalation threat arises when the means employed by one subculture increase in their destructiveness to participants. The interaction of cattlemen and sheepmen in our Western history illustrates the problem. A natural rivalry over land uses (combined with the usual tensions between settled and arriving cultures) escalated into warfare and attendant murder of people and slaughter of animals. Political and social institutions in the area were put under stress to handle the conflict.

The second form of threatening conflict—the pervasive—arises when issues first confined to a few subcultures spread to others, sometimes by adding new issues in order for protagonists to build coalitions. The slavery issue in America illustrates this problem, for over time it became a dispute over theology, morality, economics, and political sovereignty—before the guns opened fire at Fort Sumter. This diversity creates what Austin Ranney has termed "the Civil War potential" existing in all societies. It threatens not only the participants but the peace and security of bystanders, not merely in one locale but systemwide.

The Zone of Tolerance: Components

How can this conflict potential—by escalation and permeation—be managed so as to defuse it? In the American experience, such efforts take the form of creating what can be termed a "zone of tolerance" among the subcultures. This consists of a set of decisional rules for dealing with interculture tensions by enforcing agreement in definitions about who can engage in conflict and what are appropriate means. These need further elaboration.

Any participant's role in a societal conflict is enhanced by others' agreement that one has a right to participate. Conversely, conflict is aggravated and its reduction hampered by disputes over who has a proper role or stake in the outcome. If workers through much of the nineteenth century were not regarded as legitimately having a role in economic decisionmaking by business firms, then for over a century workers played only a little role in the economy and had to be satisfied with others' indifference. In time, of course, they came to realize the need to participate in decisions affecting them. But recognition of such a role was either denigrated (a trade union constituted a criminal syndicate in most state law 150 years ago) or contested in the private and public sector. That contest made for some bloody pages in the history of labor-management relations before labor was accepted as a legitimate contender. The same syndrome of blindness-challenge-conflict-acceptance has also occurred for such one-time outsiders as blacks, women, and children; it is seen also in the familiar phenomenon of ethnic succession in our cities. So, conflict is reduced by agreement (albeit often grudging) as to who may participate in subculture conflict.

Another conflict reduction process involves agreement over acceptable strategies for reaching solutions. In one sense, the elaborate processes of policymaking, both formal and informal, represent agreed strategies of using the political system to reallocate resources and values. Those strategies stand in contrast to unacceptable ones such as violence, character assassination, and group libel. This is what is meant by the early civics lessons to children about the preference for "ballots over bullets." Clearly, litigation and courts' role is familiar, "third party," method of getting protagonists to accept a nonviolent strategy to reduce conflict by resolving disputes between two parties. The election process, when its procedures are agreed upon, becomes a similar strategy, as does the legislative process. In both, the process of mobilizing groups into winning coalitions represents a common, distinctive, and agreed upon process for conflict resolution. But note that it first requires agreement as to which groups are legitimate. Mobilizing freed slaves by the Republican party in the Reconstruction era was so hateful to Southern whites that it precipitated Klan violence and lost the South to that party for a century. Today, the Mafia is rarely counted as a legitimate group with which to form a coalition for any conflict.

The Zone of Tolerance: Methods of Enforcement

If creating the zone of tolerance involves agreement on who can participate legitimately and how conflict resolution shall be undertaken, how does that process occur? So that the civil war potential does not become an actuality, there clearly must be some mutual agreement among participants to reduce the potential. That can come from prohibitions enforced by a higher authority, by experiential learning of participants about the benefit of reducing conflict, by increasing life opportunities, or by explicit, formal socialization in conflict-reduction behavior and attitudes.

In American federalism, the higher authority is the Constitution and recourse to it can be seen in: the constitutional prohibition against any but the national government waging war; the limitations of federalism on national government (today perhaps more a limit of tradition than of literal interpretations); and the federal limitations on the powers of states which serve to reduce potential interstate and federal-state conflict.[1] Or note the only direct federal-citizen interaction of the Constitution, that prohibiting slavery in the Fifteenth Amendment. Certainly the whole body of federal and state law, both criminal and civil, represents a tradition (ever growing) to reduce conflict by channeling it into "third-party" litigation. All of these create a framework in which members of subcultures mutually learn to protect or enhance their values and resources without the need for escalation of conflict.

But conflict reduction via mutual learning requires more than government action. A second method is found in living together. Our history is replete with the experiences of individuals, families, and groups learning to live peacefully, sometimes even comfortably, with the presence of others' differences. This could be called the Romeo and Juliet effect. The sheep versus cattle conflict has long since disappeared from the lives of descendants who are now combined in marriage, churches, business, and so on. Similar learning experiences softened once bitter conflict over ethnicity and religion throughout the nation. Despite media outbursts like those in the recent Chicago mayoral elections, even racial conflict has been reduced from savage to spiteful interaction, compared with any earlier period.

Third, a little studied mode of conflict reduction has been the expansion of the pool of distributable life opportunities, thereby reducing the extent of desperation of disadvantaged subcultures. Jobs, health, schooling, marriage partners, business capital, votes, legal rights—these represent just some of those life opportunities which have expanded, often greater than the population rate. The marginal availability of these elastic opportunities means that life need not be as desperate as before for those once lacking them. Dulling the edge of desperation for any subculture reduces the impulse to conflict, and certainly to violence, by its members and hence by others in society. A consequence of this process is its conservative effect on conflict. That is, greater acquisition of life opportunities—both absolutely and relatively—generates enormous pressure not to escalate conflict because *too much* could be lost—at the individual level—and *too many* could get involved in conflict at the societal level.

Finally, subcultures can be induced to reduce conflict through explicit socialization about what to do in the face of others' differences. Three conditions surround such socialization. First, it is carried out by all social institutions, not simply the schools, because all share in the benefits of reduced social conflict. Second, these institutions attempt to lay over subcultures a national culture, reflecting institutions' systemic nature as structures and bureaucracies. That is, certain imperatives arise within all institutions, such as goal maintenance or preference for stability, which provide certainty to their members. These imperatives contribute indirectly to socialization by exerting pressure across the breadth of institutions to use only *minor and limited* kinds of rivalry, which are impressed on all who work with them. A third condition of socialization for conflict reduction is the presence of multiple arenas of governance in the American federal system. Each arena has its own interests in the task, yet each is also motivated by characteristic values. This condition generates one of the tensions of federalism, namely, over questions of who should socialize and to what ends. Shortly we will turn to this tension as a major background for understanding civic education.

The Role in Civic Education

We begin with the central authoritative role of the states in American public education. There exists a wide constitutional mandate in each state which places all public education under its control. The traditional view is that education is a state responsibility administered locally. But that view is increasingly *not* descriptive of power relationships in educational policymaking today. Much of this process has become centralized, so that control of the local school program, as Tyll van Geel has traced carefully,[4] rests anywhere but locally. The expansion of the federal role has been much publicized,[5] but a far greater growth has occurred in the state role in education. That has taken the form of increasingly more "mandating," both programmatic and fiscal. This is part of the recent general expansion of the state role in all policy areas.[6]

But what the states have done in this expansion is not uniform. As this writer has noted elsewhere:

> If variety is the spice of life, educational decision making in the fifty American states is a veritable spice cabinet. It is quite reminiscent of Kipling's aphorism that there are a thousand ways to worship God, and they are all correct.[7]

State Centralization in Curriculum and Textbook Selection

We can illuminate this variety in the states' authority over the curriculum and textbooks of the local schools. An analysis of the states' authority in thirty-six areas of school policy in 1972[8] was used to create a scale of state versus local school control, ranging from 6.00 to 0.00 (highest to lowest state control). Here we examine the scale only for curriculum and textbook control by states in Table 1.[9]

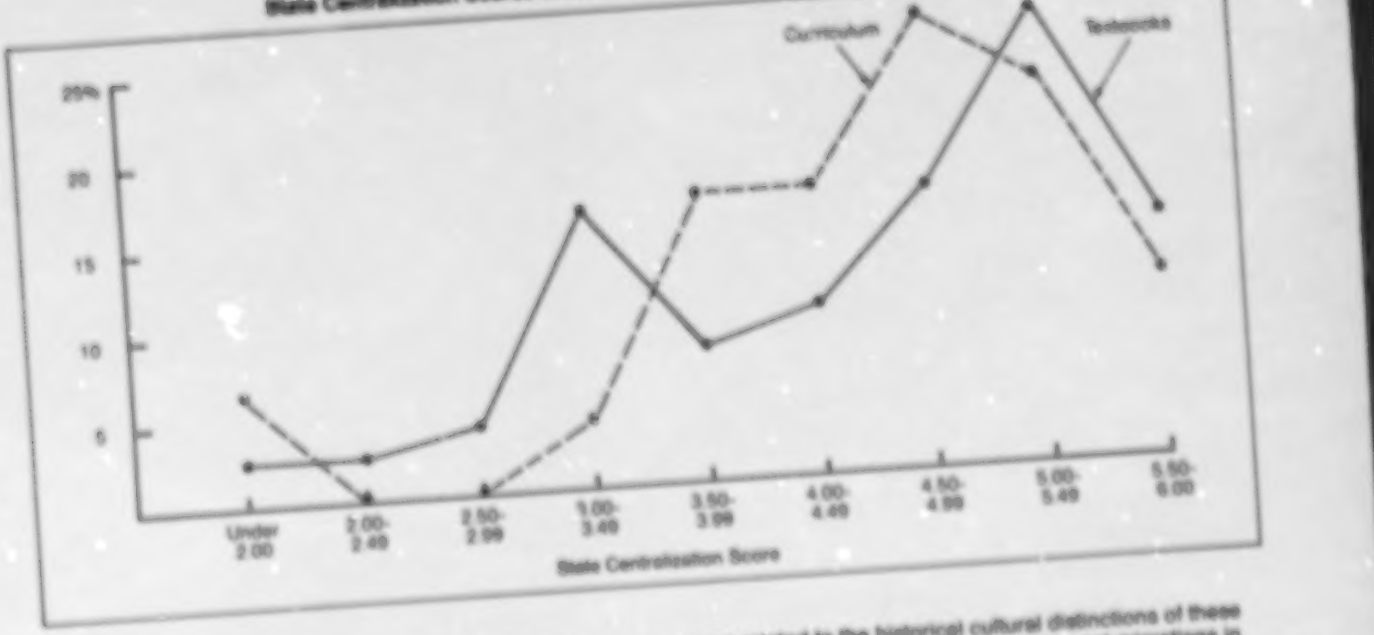
Several conclusions emerge. First the national means for curriculum and textbook control (4.41 and 4.36) are significantly higher than that for all thirty-six policies (3.56). So this is an area in which most states in general are active. Moreover, the states differ on the degree of control. Some states have higher control of curriculum but not textbooks (New Hampshire), others the reverse (Kentucky), some are high on both (North Carolina), but few are low on both (North Dakota). As a result of this variety, scores of state centralization on the two matters do not correlate well (Pearson's $r = .14$).

But with all the seeming variety, there are underlying similarities. The frequency distribution of state scores on the two policies, seen in Figure 1, shows that the variety conceals a great deal of high control by the states. If we could analyze particular course subjects required of local shools—e.g., drug abuse, drivers' education, specific units of English, science, and so on—the centralization of authority would likely be even greater. Part of the explanation for this centralization lies with school professionals defining

Table 1
State Centralism Scores, Curriculum and Textbook Policies, for the Fifty States, 1972

State	Curriculum	Textbook	State	Curriculum	Textbook
Alabama	5.18	5.53	Montana	4.40	3.50
Alaska	5.67	4.50	Nebraska	4.38	5.00
Arizona	4.89	5.50	Nevada	4.54	5.38
Arkansas	4.83	5.67	New Hampshire	5.00	0.00
California	4.30	5.70	New Jersey	3.80	5.00
Colorado	3.57	2.75	New Mexico	0.00	4.29
Connecticut	5.00	3.00	New York	5.08	3.40
Delaware	4.60	5.00	North Carolina	5.50	5.75
Florida	5.00	4.83	North Dakota	3.20	3.29
Georgia	5.00	5.29	Ohio	4.46	5.00
Hawaii	6.00	6.00	Oklahoma	5.57	5.17
Idaho	4.67	5.50	Oregon	4.53	3.14
Illinois	3.20	3.20	Pennsylvania	3.55	4.50
Indiana	4.85	2.20	Rhode Island	4.40	4.00
Iowa	5.04	3.25	South Carolina	3.95	4.91
Kansas	5.00	2.80	South Dakota	4.63	4.63
Kentucky	1.85	5.25	Tennessee	4.07	4.00
Louisiana	5.43	6.00	Texas	4.33	5.42
Maine	3.75	4.75	Utah	4.63	4.57
Maryland	0.00	4.00	Vermont	4.70	4.50
Massachusetts	3.92	3.40	Virginia	4.06	4.30
Michigan	4.70	3.86	Washington	5.43	5.25
Minnesota	3.92	3.80	West Virginia	5.70	4.82
Mississippi	4.78	5.06	Wisconsin	3.93	3.33
Missouri	4.50	5.00	Wyoming	5.00	3.67
			Mean	4.41	4.36
			Standard Deviation	1.17	1.29

Figure 1
State Centralization Scores on Textbook and Curriculum Policies, 1972



the quantity, quality, personnel, and evaluation of education over the last century, definitions writ large in state law.[10] We will return to their role later.

But besides commonality, there are also differences in this centralization in Table 1 which beg an explanation. Part of the explanation lies with historical differences among states in their perspectives on the proper role of government. This "political culture" explanation relates variations in such perspectives to different sections and regions of the nation.[11] "Political culture" refers to:

> perceptions of what politics is and what can be expected from government . . . the kinds of people who become active in government and politics . . . (and) the actual way in which the art of the government is practiced.[12]

Daniel J. Elazar distinguishes three of these cultures, rooted in history and social movements, particularly religion. Traditionalistic cultures view government as a means of maintaining the existing order, are indifferent to political parties, are slow to innovate in programs, and are oriented to support of a socioeconomic elite. Moralistic cultures see government as a means of creating a commonwealth ("good community"), seek programs supporting the public interest, wish all citizens to participate in governance, and expect political parties to take stands on the basis of moral principles and issues. Individualistic cultures view government as a marketplace where everyone seeks to maximize his own (mainly economic) interests, where party life and loyalty are strong, and where citizens view politics as "dirty."[13]

If we relate these cultures to control of civics, by states, the moralistic (M) and individualistic (I) cultures had lower curriculum centralization scores in Table 1 (medians, 4.63 and 4.50) than did the traditionalistic (T) and more centralized cultures (median, 4.86). An even sharper separation appeared in the textbook control scores of the three clusters, whose medians by culture were, respectively, 3.80 (M), 4.50 (I), and 5.11 (T).

We can see similar indications of these historical influences in Table 2, which aggregates states by their census-designated regions. Regional distinctions emerge more clearly for textbooks than for curriculum, but differences seem related to the historical cultural distinctions of these regions, formed by predominantly east-west migrations in three tiers, or bands. Thus the southern tier, embracing the different traditionalistic orientations of both the Southeast and Southwest, is significantly more centralized on these as well as other school policies than the middle tier (moving west from the Mid-Atlantic states) and the northern tier.[14] The last is the more uniformly decentralized, notably in New England (3.52) and the Great Lakes (3.52). However, moving from the east to west coast along the middle and northern tier of states, centralization increases for textbooks.

But one must not lose sight of the large size of these scores, whether for states in Table 1 or regions in Table 2. These highlight the extent to which states have centralized

Table 2
Subregional Differences in State Centralism Scores for Curriculum and Textbooks in the Fifty States, 1972

	Textbooks	Curriculum
Northeast	−3.81	−3.97
New England	−3.52*	4.44
Mid-Atlantic	4.38	−3.40
Southeast	+5.03*	+4.78*
Middle West	−3.78*	4.32
Great Lakes	−3.52*	−4.22
Plains	−3.97	4.38
West	+4.57	4.50
Southwest	+5.09*	−3.70
Mountain	−4.00	4.45
Far West	+4.69	+4.70
U.S. Mean	4.36	4.41

Abstracted from Wirt, 1977
− = less than mean by .20 points on scale
+ = more than mean by .20 points on scale
* = t- value significance less than .15

the content of instruction in general. This is indirect evidence that states attempt to reduce conflict and enhance harmony among subcultures by imposing a standard instructional content of schooling. Educational historians have noted this effort to use instruction to impose constraints for such purposes in developing textbook content.[15]

But this standardization is even greater when one realizes the impact of a few states in textbook *production*. Texas, California, and Florida, which require only a few selected books for each subject and do so in large numbers, make publishers exceptionally sensitive to what these states desire in those books. Particularly important is Texas; "When Texas prescribes, publishers jump."[16] That is because in the mid-1970's "if a publisher were one of five listed for supplementary readings for grades 1-3, he would be reasonably assured of selling $1.3 million worth of books."[17] Publishers respond not only to such large buyers but also to threatened boycotts. The classic case is the attack on Harold Rugg's social science series between 1939 and 1946, when sales dropped from 289,000 to 21,000.[18] As a recent review concluded: "We like to think that there is no national curriculum in the U.S. In practice, Texas, California, and Florida set our curriculum, and most other school systems go along."[19]

The Content of State Mandates in Civic Education

What, then, do the states require specifically in the way of civic education? We turn to a unique source of information on this subject, a study by the American Bar Association of the statutes and their enforcement relative to civic education.[20] Appendix 1 provides an abstract of such provisions, but we can summarize the results more briefly here.

While sixteen states specify nothing, among the rest there are two broad categories of provisions: the general and the specific. Among the general prescriptions, sixteen states call in general terms for "citizenship" training, whose content cannot be analyzed from the label alone. But another set of states seeks to define *the citizens in moral terms*. This takes the form of requirements for teaching certain subjects: morality (fifteen states), patriotism (eleven), obedience to the law (seven), and loyalty (three). Another smaller set of requirements defines *the citizen in constitutional terms*, requiring courses on legal rights and duties (five), and justice and the Bill of Rights (four). Only a scant three have requirements that define *the citizen in political terms*, and then only very narrowly, i.e., the importance of voting.

More specific requirements in the law are less often found. Thirty states eschew specification. But eleven do seek a notion of tolerance, i.e., by curriculum doctrines forbidding racism (six), sexism (one), and sectarianism (four). In addition, ten require teaching the evils of communism or prohibit subversive doctrines, and four require the values of free enterprise.

In short, the definition of the citizen in moral terms, if we include the ban on intolerant subjects, represents the largest content of such statutes. The terms are noteworthy for their vagueness, especially on the single item most often mandated—citizenship. But even this crude measure of what states do in civic education shows that they are encouraging values which would minimize conflict among subcultures. The effort to teach a morality, constitutional heritage, and tolerance that are common, if successful, would more likely produce a citizen able to understand what he or she *held* in common with others.

Aside from civic values, what is taught about the details of *our* political system? The answer shows much commonality among the states. For example, in all but eight states, in order to be promoted and graduated one must take a course labelled "U.S. government," "civics," "history," "social studies," or some combination.[21] Moreover, there is a general pattern of requiring such courses in both elementary or secondary education, but preponderantly in the latter. Thus, forty states require courses on the "U.S. Constitution" in the secondary curriculum compared with twenty-three in the elementary; secondary and elementary courses in "state constitutions" are required in thirty-eight and twenty states, respectively. Similarly, instruction in "civics" appears in twenty-four states in secondary education, and only six in elementary, while "government" is required in twenty-eight (secondary) and six (elementary) states.[22]

The point of this compilation is not only that in most states secondary school students regularly are instructed in both civic values and the structure of the government. But by arriving at a rough agreement about the necessity for teaching about these subjects, the American states implicitly instruct the young about a single, and hence proper, forum for the settlement of much domestic conflict. Such learning about how to act towards others in the political community, despite their subcultural differences, *could* serve to impress on the young a national culture of belief and behavior. We will shortly take a look at the curriculm content for this purpose.

All this assumes that states enforce their requirements. The ABA study found there were indeed sanctions on the local schools for these requirements, some as severe as withholding accreditation. However, the authors conclude, "the state is not expected to actually supervise actual content of classroom instructions but rather to use the sanctions . . . only when the required course is not offered at all." Hence, they conclude, "Local districts have a wide flexibility in implementing mandates"[23]

State Requirements of Professionals

Not only public authorities but a profession as well are involved in civic education. States place requirements on teachers of civic education, but the striking finding is the absence of requirements that teachers be certified—or even knowledgeable—in political science.[24] This is particularly important given the teachers' role in civic education as reported in a survey of seventy-eight schools in five states (California, Georgia, Illinois, Pennsylvania, and Texas).[25] Teachers in large proportions claimed that they were the ones most responsible for (1) introducing any subject into the civic education curriculum in their school sites and (2) selecting instructional materials.

How prepared are they, then, for the task? While all states require a bachelor's degree in order to be certified as a teacher, most who teach civic education take no uniform training. Some states require a specific course, such as the state or federal constitution, or U.S. history; only four states require courses in civics, government, or public administration. But colleges of education have informed state legislatures and education agencies that a broader training is requisite. Whatever the disciplinary dispute, it is clear that most states require some training in history or social studies, broadly defined. Note that both subjects transmit to students concepts of a shared society and history, the value of conflict reduction, and—as we shall see—the right of others to pursue different subcultural values.

This overview of the state role in civic education has explored the few available aggregate studies of state regulation of curriculum and textbooks. These studies find that it is an effort to balance the tension between the subcultures and national cultures of our society. While states may mandate general requirements, these gain meaning only from the action of local boards and teachers, and the views of these two groups clearly can differ. So the prism of federalism works here, as in other areas, to diffuse central directives, whether from Washington, D.C. or Springfield, Illinois.

The Politics of Curriculum Policymaking

The exact meaning of these state directives arises from a political process attendant upon their implementation, for what is taught always contains lessons about preferred values. But in a society that is a mosaic of subcultures, not all will agree upon those lessons and their values, so policymaking about curriculum is prone to conflict. Hence its essentially political nature, a notion best developed by William Boyd.[26]

The politics of civic education policy can occur at any level of educational governance. Federal efforts in the 1970s to disseminate a social science curriculum, "Man: A Course of Study" (MACOS), generated a political struggle in Washington. The battle over teaching the virtues of free enterprise or creationism has taken place mostly in state capitols. And locally, the spelling out of state mandates in civic education has been affected by several systemic political conditions.

Local Influences on the Civics Curriculum

Parents have a general interest in their children's schooling, of course, and when asked, can rate a number of subjects they consider important. Gallup[27] found in 1983 that "History/Government" ranked third (78 percent) behind Mathematics and English as a requirement for college-bound, high school students; even for those not college-bound, parents rated it fifth (63 percent). About half the parents thought special subjects having a civics orientation should have instruction required, e.g., dangers of nuclear waste, race relations, communism/socialism, and dangers of a nuclear war. However, there is little citizen input in school governance, less in curriculum decisions, and even less in civic education, as Gallup's polls have shown for years. This reflects the larger disinterest of Americans in government in general and of their school politics in particular.

In the school year 1983-1984 public school parents reported that only 36 percent attended one PTA meeting; 18 percent attended *any* meeting on the local school situation; 16 percent attended one school board meeting; and 4 percent wrote the school board, local paper, or any group about the schools.[28] Parental disinterest is also seen in low rates of parental complaints to the school system,[29] low voter turnout in school board elections,[30] and low participation in parent organizations. As a result, school policymaking reflects a special orientation of those few who do participate—white, middle-class, educated citizens.[31] At best, there is only occasional interest over most local school matters, and only little of this arises over civic instruction in any explicit fashion. So civic education politics is only episodic, while low citizen input is systemic.

A second systemic quality of civic education politics is that it usually arises from those affronted by particular changes in the traditional presentation, rather than from efforts to introduce a new kind of instruction in general. This most often takes the form of book censorship.[32] The efforts of creationists to require specific course materials in their battle with scientists is about as extensive as such disputes run.

A third systemic factor in this politics is the effect of status. Given the variation in the social bases of 14,000 school districts, communities differ also in their status-based needs and aspirations reflected in the school curriculum.[33] The affluent suburbs, in a familiar pattern, demand different subjects for their college-bound children than do rural districts. That has implication for what such status differences require of civic education. The only controlled study of the linkage between status and civic curriculum compared a set of working-class and middle-class suburbs.[34] Civic instruction in the former presented a formalistic view of the political world that emphasized individual allegiance to the political system and group harmony within it, while the latter stressed concepts of group conflict and the need to critically analyze operations in the political system.

From evidence available, it is the formal-allegiant-harmonious model that seems most often taught in civic education. As Ellis Katz's essay reveals, the standard textbooks for civics courses are characterized by formalistic descriptions, constitutional provisions, laudatory references to all these elements, as well as an uncritical emphasis upon generalized political values.[35]

Other foci of study are possible. The National Council for Social Studies has generated curricula with alternative approaches. These include: multicultural education, personal economics and consumer education, global education, social problems, law-related education, value clarification, moral development, basic citizenship competencies, institutional reform, community involvement, academic disciplines, and critical thinking[36] Rather than these, however, the emphasis has been upon formalism, missing entirely the life of the political world and of the citizen's vital ties to it.

It should be no surprise, then, that relying on the formalism in these books could kill the interest of secondary school students at a time of great questioning in their lives. Thus, the National Assessment of Educational Progress reported several years ago that civics courses were the most boring in student judgments. But more surprising are the *immediate effects* of such courses on student knowledge and values. According to one study, very little change was found for most white, middle-class seniors.[37]

Local Pressures toward a Bland Civics

There are several factors that contribute to such a generalized picture. First, teachers themselves are not committed to presenting critical or challenging views of society and its political system. The evidence for this conclusion is drawn from research in the early 1960s, before the trauma of assassination, Vietnam war, and other attention-catching events occurred. The 1983 showing of a television drama on nuclear war, "The Day After," was followed up in many schools by a discussion of the dangers of the nuclear era. But these are clearly episodic events. There has been no systematic research on whether these outside events taught children about the political world or changed civics instruction by teachers.

Rather, the consistency of the earlier research findings suggests a continuing approach by teachers to civic education. For example, a 1965 survey of elementary teachers[38] found that 92 percent did not initiate discussion of controversial issues in the classroom, 6[illegible] percent did not discuss such issues, 79 percent did not believe that controversial current events *should* be discussed there, and 89 percent believed that they lacked competence for discussing such events. These trends were accentuated more in the South and Midwest than in other regions, and in small towns more than in big cities, but the differences are not major.

These teachers also believed that a long list of specific topics should not be discussed *even though students might be interested*. Thus, they believed the school administration would express a "deep concern" over discussing communism and "extremist groups," and the community would have a "deep concern" over discussing not only communism but also (in order of frequency mentioned) civil rights, world government, disarmament, politics, integration, and labor troubles.[39] Such data draw a picture of teachers perceiving external threats if they teach topics that are controversial. Discussion of the aforementioned topics would generate conflict between subcultures either in the classroom or from parents or other groups outside the school. That possibility creates serious threats to teachers' control of the classroom and its education.

Only when an eruptive event in the outside world intrudes —President Kennedy's assassination, a television film, a real threat of nuclear warfare—is discussion possible. Note that each of these events elicit strong emotional feelings. Again, though, there are episodic events that seem to literally beat down the classroom doors.

Furthermore, to discuss subcultures, conflict, and the political system in America, teachers must know about and be committed to civil rights. But they are reported to score quite low in tests on such matters.[40] Part of this may stem from the fact that teachers must operate within an authority structure of schools which does not operationalize freedom.[41]

That condition led some scholars in the 1970s to charge that behind the visible curriculum of schools was a "hidden curriculum" generated by school professionals' behavior that was manifest to students. Thus, as Richard Merelman[42] characterized these critics' views, "Students cannot learn democracy in the shool because the school is not a democratic place." Democracy teaches openness in society, but schools teach hierarchy. It is a case of student versus teacher power, liberty versus surveillance, choice versus blind obedience, and equality versus distribution of school rewards unequally. Critical of this political explanation of the ways schools operate, Merelman substitutes an alternative explanation. As a large and professional organization of authority, schools must provide not only learning but order as well; both require sequencing, standardization, and testing. Such concepts are hard to transfer to a civics class whose students reflect both subcultures and a national culture that emphasizes choice and freedom. So the imposition of a single set of values is difficult unless the teacher (1) is general and bland about political experience and values, (2) teaches these generalized values as "facts," and (3) grades students so that the large majority neither fail nor excel.

There is no question that schooling is related to civic education values, although a specific course may not show it.[43] M. Kent Jennings, in debate with Merelman,[44] demonstrated from twenty years of major studies a strong statistical relationship between amounts of education and political knowledge. And, a bicentennial survey of thirteen- and seventeen-year-olds found massive support for equality in students' opposition to discrimination, whether racial (96 percent), religious (97 percent), political (82 and 92 percent respectively, or sexual in the job market (87 percent).[45]

What is not found in research, however, is the way students learn to conceptualize the workings of the political system based on what they gain from schools, parents, peers, or experience. We know that Americans are extremely patriotic about their nation. We know there is much attachment to political values in the most abstract sense, although recent analysis questions its once presumed link to greater education.[46] We also know that "politics" is seen as "dirty," much more so in individualistic than moralistic cultures. And there is limited knowledge of details. Further, we know that adults hold a critical evaluation of political entities like the Congress, bureaucracy, or government, but a positive appreciation of one's own congressman or personal experience with bureaucracy. However, these are adult perspectives, noteworthy for their lack of detail, conceptual integration, and relevance for personal life. They do not tell us what and how the young learn about politics nor does such research tell us much about the behavior of young people and adults in matters of tolerance or politics.

Political and Professional Pressures Toward Blandness

What factors contribute to this bland civic education so widely reported across the American states? Without exhausting the possibilities, several explanations are evident.

Subcultural Pressures

Subculture pressures against local deviation from this bland picture, while episodic, sensitize school people about what to avoid. If books are most often the target, attacks on them have increased recently, and school authorities more often are yielding than not. The subculture attack may come from non-WASP groups—blacks disturbed by the reference to "nigger" in *Huckleberry Finn* or Jews to the depiction of Fagin in *Oliver Twist*. But most of the reports are of attacks from protectors of what they deem to be the dominant cultural values; these decry favorable—or even neutral—references to sex, the United Nations, communism, civil rights, and so on. By a kind of "law of anticipated reactions," that pressure can conform the behavior of school professionals not faced with pressure directly. It does not take many such publicized episodes to give teachers caution. Thus, during 1981, the American Library Association reported 3-5 episodes a week of book-banning pressure by subcultures.[47] That seems large, only if one ignores the total number of school districts (14,000) in which these few episodes could have taken place. But the publicity of such episodes travels rapidly through professional channels (workshops and journals) to warn many others of the criticism waiting for those who stray from the accepted blandness of political concepts and values.

Professional Pressures

This sensitivity to criticism provides a cue for a second factor contributing to bland instruction. That is an attribute common to professions, namely, the imperative of uniformity in the delivery of services. Those who would urge educators to present a critical perspective of the political system ignore a fact central to their work. As professionals, they are committed to delivering standardized knowledge in concepts as easily assimilable by students as possible. Educational administrators have had a century of training and experience in agreeing among themselves on such standards. In that time they have sold society on the view that they can provide "the one best system" of education,[48] which means no conflict among them about definitions. As such, they become "managers of virtue"[49] by emphasizing the agreed values, content, and pedagogy of education. Indeed, until recent decades, teachers, administrators, and boards of education operated on the myth that they shared a unitary notion of schooling.[50] While it served them to be pictured as "apolitical" and hence not part of the cut-and-thrust of politics, recent events have torn at the unitary interest to reveal conflicting interests within the profession.[51]

Despite such fission, school professionals have continued to assert that they should be dominant in curriculum decisionmaking because it is a "professional" task, hence immune from community or group pressure.[52] But that notion has been jarred badly by the rise and fall of the professionally-inspired New Math movement,[53] as well as by the earlier noted conflicts over MACOS in social science and over creationism in natural science. Amid the barrage received by professionals even in the "hard" and ostensibly most accepted curriculum of math and science, those in civic education could conclude it is even riskier to innovate in their field. When it was attempted with MACOS, the criticisms of its "unAmerican" values reached to Australia when MACOS was attempted there.[54] There was even protest in the form of dynamiting a Kanawha County, West Virginia, school headquarters that sponsored it. In the face of such reaction, the instructor of the standardized image of the political system is reinforced not to make waves. Better to stick to the professionally defined, if bland, picture of the subject, relying upon traditional instructional materials, than to venture anew—particularly when one lacks the training or inclination for it.

In this fashion, the threat of subcultural pressures and the professional committment to a standarized instruction combine to produce a particular civic education. At the working level it *must* emphasize the bland picture of American society and its politics. Urge students to be tolerant, but do not pinpoint current intolerance in the community. Depict only the formal structures of constitutional government, but do not point out how such structures serve the interests of some groups, but not others. Discuss generally such a concept as freedom of speech, but do not ask students to test its meaning by criticizing school authority. Use textbooks characteristically rooted in a political science mode of fifty years ago and much irrelevant to contemporary matters, teach its values as facts not to be challenged, and justify such pedagogy as the product of the profession and agencies governing education. But do not teach that politics, like American culture, is a complex, confusing subject, unamenable to hard rules and rock-like values.

What is not to be Done?

Most important for the argument of this essay, however, is what results from such constriction of civic education by subcultural and professional consideration. These factors join with general prescriptions from the states and with limited preparation of teachers to narrow civic education to the most rudimentary and general training in knowledge and values. That is because it is the safest for all concerned. If a course of action is maintained by an institution at length, it does so not simply from inertia, but from utility for all involved. In this case, the education institution produces bland civic education because it is safe for its members and for the system as a whole. For example, look at the utilities for state officials:

1. Better not to tempt local pressures, particularly when the payoff for students is so uncertain and distant.
2. Better not to require more teacher training in political science—with its critical examination of the current scene—but rather to emphasize history—with its sequential look at topics well back in the safe past.
3. Better to stress the symbolic education rather than the practical. The first soothes citizens and contributes to tamping down the civil war potential, but the second can bring students out into the world of politics, with all its attendant grief for school officials.
4. Better for most states to agree on bland statutory goals without specification, for that decreases the chance of saying something offensive to subcultures, including guardians of the secular values.
5. Finally, better to exert state, rather than local, control over the textbook so that the local boards won't be tempted to select books which could challenge this bland civic education.

Some policy suggestions flow from the preceding analysis, if one seeks to alter the content of civic education.

1. Do *not* assume one is providing an orientation or pedagogy to fill a gap in current curriculum. Rather, there already exists an orientation (stick to blandness) and a pedagogy (didactic and non-experiential) which satisfies all who have authority in the matter.
2. Do *not* assume that teachers lack training to teach civic education, a problem to be remedied by educating them. Rather, most teachers already possess and use a training, mostly in history or general social sciences, which has been highly useful in keeping potential conflict outside the school walls. Thus, they spend most of their time on the American political system and history prior to the most recent decades; analyses of the Progressive movement or the causes of World War I cannot be challenged by parents from that era.
3. Do *not* think that those who make civic education policy are unaware of the dangers that reform ideas will create for them, particularly when it involves the political community. Rather, they have created in the classic sense a "system"—regular ways of acting and believing about important matters—which is functional to all. This system now constitutes a safe shield against subcultural challenges or stirring up those secular values for which uncritical obedience is the *sine qua non*. At every level of government that touches such instruction there are defenders of these highly symbolic values committed *not* to letting them be examined closely, much less being acted out in experience.
4. Do *not* assume that school professionals are committed to an alternative form of civic education. Rather, their commitment is to a form that now rewards them. That is particularly significant when, as a vast literature in education attests, the success of instruction depends upon what happens when the teacher closes the door against the outside world and turns to the class. The barriers against such professionals reforming are considerable. We have emphasized the political reasons why teachers and administrators do not get too specific. Add to them the organizational fact of life that ways of acting and thinking which have been sanctioned by one's peers—the profession in this case—and carried out over time without challenge from those peers—indeed, with positive reinforcement—constitute a powerful form of socialization *not* to change.[55] Even the preliminary success of the ostensibly "value free" New Math curriculum, first supported not only by the universities and the education profession, but also by the teachers themselves, faded over time when teachers found it too difficult to change their former instructional grooves.

In short, the task of introducing a new definition of citizenship into elementary or secondary curriculum faces the problems of all educational reform. To professionals, what has been done in the past has been successful, in terms they deem most significant. With the blandness now taught in civic education, "No one gets nothing, no one gets everything, everyone gets something." The fact that outsiders may think it the wrong "something" means that change agents must look not only to persuasion and demonstration. At some point, there will be need for political means to get laws and regulations changed. But doing that will undoubtedly stir up exactly those forces with a deep investment in maintaining the bland instruction that has kept them safe.

What is to be Done?

If we combine the scholarly ideas of the other contributions to this collection with an awareness of the forces working toward blandness, it is possible to suggest several strategies for facilitating citizenship education.

Ideas of Federalism as Pedagogy

The purpose of the contributions in this collection and any implementation that follows from them is not to "reform" an entire system of pedagogy. Too many educators have invested too much in standard operating procedures to revise something so valuable to those involved in citizenship education. Rather, it is important to conceive of this collection as an effort to set out a complete perspective of American history and politics that can provide new ideas and working concepts to include within the existing pedagogy as a way of enhancing textbook-based discussions.

One formulation of this perspective is that of the citizen in the federal system, whose compact with governance has altered over time as new issues are generated by a pluralistic society. The elements of this formulation are as follows:

1. In their contributions, Daniel J. Elazar and Robert Salisbury develop the idea of focusing on "the citizen in a federal system." This concept opens up a way of viewing the citizen and questions of citizenship in the broader context of American federalism, which can, in turn, lend additional meaning to the historical roots and institutional developments of the federal system. Yet, as Ellis Katz shows elsewhere in this collection, the concept of the citizen in the federal system is essentially absent from the leading textbooks of American government and history.

2. The concept of federalism as a form of compacting, with the focus on compact behavior, its prevalence in many forms of societal life, past and present, and its roots in history and theory, can present a novel approach for most teachers. The idea opens the way in coursework to identify specific documents as compacts (including not only the Mayflower Compact but also the Declaration of Independence, the federal Constitution, and state constitutions), to think about how these compacts helped build the nation, and to explore past acts for the symbols and acts of compact behavior.

3. The idea that "new issues" emerge over time to test the limits of existing compacts suggests that federalism is not something to be restricted to units on the Constitutional Convention and the Civil War. Because the concept deals with the allocation of power within a set of overlapping territorial systems, it must also deal with changes in society that have impact on it. That means it is as current today as it was in any earlier period. The "current events" approach of some civic education curricula could well focus on the continuing relevance of federalism and intergovernmental relations.

4. The concept of "the pluralistic society" introduces another concept which applies to both past and present. It can be illustrated from the flow of conflict and cooperation among people having different backgrounds and the importance of federalism in accommodating those differences.

5. There is, in short, historical continuity and continuing relevance to the concept. In this manner, students can understand the current relevance of "hot" policy issues, "relevant" theoretical and ethical problems, and the continuing need for understanding historically the peculiarly federalist forms of conflict and cooperation in our pluralist society. Given the many teachers whose training and pedagogy is historical, federalism refocuses that "given" upon an array of political science subjects.

Where does one Begin?

A second conclusion to be drawn from this collection is that many resources are available for anyone wishing to use federalism in citizenship education. The contributions themselves, their references to other works, and the bibliographic essay compiled by John Kincaid for this collection provide useful resources that enable one to rethink some part of one's current course outline, beginning with the idea of "What does it mean to be a citizen?"

But there also exists for the interested teacher additional outside assistance in locating new teaching resources. In any college department of political science there is at least one person who can suggest other readings. Teachers may learn, also, of the disagreement in the discipline on how to treat federalism and its related ideas. The American Political Science Association (APSA) has maintained a Pre-Collegiate Education Committee (now named the Education Committee) which, among other things, produces a regular newsletter on teaching methods and ideas for particular subjects. The APSA has also formed an Official Section on Federalism and Intergovernmental Relations whose papers could be listed in regular curriculum newsletters in the teaching profession. The National Council for Citizenship Education has long raised alternative pedagogies for improving this education. These provide syllabi, reading lists, and other resources for a number of subjects similar to those addressed by Samuel Krislov and John Bibby in this collection. The Center for the Study of Federalism has an extensive publication program of working papers, study guides, and bibliographies; and the Center has prepared course syllabi on the politics of selected states, published by the APSA. (For a listing of available syllabi, see Ellis Katz's essay, note 4, in this collection.)

As the bicentennial of the U.S. Constitution approaches, it seems likely that many of these and other organizations will begin to work with the educational community in developing elementary and secondary programs on the ideas and issues of the Constitution. Given the importance of federalism in the Constitution and its development, it may not be long before the teachers are met halfway in their search for implementation strategies in the classroom.

APPENDIX I

Value Systems To Be Taught or Avoided, as Mandated By Statute in Each State

State	Individual Rights, Responsibilities, Attitudes; Moral and Citizenship Education[a]	Specific Doctrine[b]
ALABAMA	——	Evils of Communism
ALASKA	No specific statute but State Board of Education authorized to prescribe courses	
ARIZONA	——	Free enterprise, no racism
ARKANSAS	——	——
CALIFORNIA	Morality, K-6; legal rights and duties, 7-12	Problems of communism: no racism or sexism
COLORADO	——	——
CONNECTICUT	Duties, responsibilities and rights of citizenship, at elementary and secondary level	No racism
DELAWARE	——	——

APPENDIX I (Cont'd)
Value Systems To Be Taught or Avoided, as Mandated By Statute in Each State

State	Individual Rights, Responsibilities, Attitudes; Moral and Citizenship Education[a]	Specific Doctrine[b]
FLORIDA	Morality	Americanism vs. communism
GEORGIA	Devotion to American institutions and ideals	———
HAWAII	———	———
IDAHO	Citizenship at secondary level only	No sectarian
ILLINOIS	Morality at elementary and secondary level, patriotism	No racism
INDIANA	Morality, obedience to law at elementary and secondary level; good behavior at elementary level only	No racism
IOWA	Citizenship	———
KANSAS	Patriotism and duties of citizens	No sectarianism
KENTUCKY	Morality, rights and duties in this democracy at elementary and secondary levels	———
LOUISIANA	———	Evils of socialism and communism, benefits of free enterprise system
MAINE	Morality, privileges and responsibilities of citizenship, and importance of voting	———
MARYLAND	———	———
MASSACHUSETTS	Morality, justice, and Bill of Rights	———
MICHIGAN	Morality, justice, rights and responsibilities of citizens	No racism
MINNESOTA	Citizenship at elementary and secondary levels	———
MISSISSIPPI	Duties and obligations of citizenship, patriotism, respect for and obedience to law	Americanism, nature and threat of communism, no doctrinal, sectarian denominational doctrine
MISSOURI	———	———
MONTANA	Duties of citizenship	Benefits of U.S. form of government, dangers and fallacies of nazism
NEBRASKA	Morality, obedience to law and citizenship	———
NEVADA	Duties, citizenship, love of country and loyalty	No sectarian, denominational doctrine
NEW HAMPSHIRE	———	No subversive doctrine
NEW JERSEY	Voting privilege	———
NEW MEXICO	———	———
NEW YORK	Patriotism, citizenship and Bill of Rights week	Communism: methodsand destructive effects
NORTH CAROLINA	———	Americanism and free enterprise system
NORTH DAKOTA	Patriotism	———
OHIO	———	———
OKLAHOMA	Citizenship and obedience to law	———
OREGON	Morality, respect for Constitution, obedience to law and citizenship	———
PENNSYLVANIA	Loyalty, solemn duty to exercise voting privilege	———
RHODE ISLAND	Morality	———
SOUTH CAROLINA	Good behavior and loyalty	———
SOUTH DAKOTA	Patriotism	———
TENNESSEE	Skills basic to citizenship in American democracy—privileges and duties	———
TEXAS	Patriotism (10 minutes instruction per day)	Benefits of free enterprise system
UTAH	Morality, obedience to law, habits and qualities of upright and desirable citizenry	———
VERMONT	Patriotism, loyalty, and good citizenship	No propaganda or subversion
VIRGINIA	Bill of Rights	———
WASHINGTON	———	———
WEST VIRGINIA	———	———
WISCONSIN	Citizenship	———
WYOMING	Devotion to American ideals	———

SOURCE: Joel Henning et al., *Mandate for Change* (Chicago: American Bar Association, 1979), Table 9.

NOTE: This table includes only statewide mandates. Nothing precludes additional course offerings at local discretion.

[a] Explicit requirements dealing with moral and citizenship education: includes specifically enumerated attitudes and principles: individual rights, duties, responsibilities: loyalty, obedience, respect. The wording is indicated in the table. Also includes "importance of voting" because this pertains to attitude formation and skill development, but note that Illinois "method of voting" is placed in Table 8 (third column) because it is related to understanding of government process.

[b] Explicit requirements dealing with teaching about political, economic, and social doctrines, such as Americanism, communism, free enterprise: and prohibitions of racism, sectarianism, partisanship, and the like.

Endnotes

[1] John Sullivan, James Piereson, and George Marcus, *Political Tolerance and American Democracy* (Chicago: University of Chicago Press, 1982).

[2] Harold Lasswell, *Politics: Who Gets What, When, and How* (N.Y.: McGraw-Hill, 1936).

[3] Daniel J. Elazar, *American Federalism: A View from the States* (2nd ed., New York: Crowell, 1972), pp. 38-41.

[4] Tyll van Geel, *Authority to Control the School Program* (Lexington, Mass.: Lexington Books, 1976).

[5] Frederick Wirt and Michael Kirst, *Schools in Conflict: The Politics of Education* (Berkeley, Cal.: McCutchan, 1982), chaps. 10-11.

[6] See the multi-site data in Catherine Lovell, "Evolving Local Government Dependency," *Public Administration Review* 41 (1981): 189-202; Lovell and Charles Tobin, "The Mandate Issue," ibid., pp. 318-331.

[7] Wirt and Kirst, *Schools in Conflict*, p. 187; chaps. 8-9 review the states' expansion and related literature.

[8] Frederick Wirt, "State Policy Culture and State Decentralization," *Politics of Education*, ed. Jay Scribner, Yearbook of the National Society for the Study of Education (Chicago: University of Chicago Press, 1977); Wirt, "What State Laws Say About Local Control," *Phi Delta Kappan* 59(1978): 517-520.

[9] The patterns of the other thirty-four are seen in Wirt, "What State Laws Say About Local Control."

[10] This history is found in Lawrence Cremin, *The Transformation of the School: Progressivism in American Education, 1876-1957* (New York: Vintage Books, 1965); David Tyack, *The One Best System* (Cambridge: Harvard University Press, 1974); and Tyack and Elizabeth Hansot, *Managers of Virtue: Public School Leadership in America, 1820-1980* (New York: Basic Books, 1982).

[11] Elazar, *American Federalism*, chap. 4; for subsequent evidence in the research, see John Kincaid, ed., *Political Culture, Public Policy, and the American States* (Philadelphia: Institute for the Study of Human Issues, 1982).

[12] Elazar, *American Federalism*, p. 90.

[13] Ibid., chap. 4.

[14] Wirt and Kirst, *Schools in Conflict*, p. 197.

[15] Gladys Wiggin, *Education and Nationalism* (N.Y.: McGraw-Hill, 1962), chap. 9.

[16] Raymond English, "The Politics of Textbook Adoption," *Phi Delta Kappan* 61 (1980): 277.

[17] Eric Broudy, "The Trouble with Textbooks," *Teachers College Record* 77 (1975): 24. For a review of Texas book selection, see Louis Grigar, "State Level Implementation of Citizenship Education," *Educational Leadership* (1980): 59-60.

[18] Broudy, "The Trouble with Textbooks," pp. 13-34.

[19] English, "The Politics of Textbook Adoption," 275-278.

[20] Joel Henning, Charles White, Michael Sorgen, and Leigh Stelzer, *Mandate for Change: The Impact of Law on Educational Innovation* (Chicago: American Bar Association, 1979).

[21] Ibid., Table 10.

[22] Ibid., abstracted from Table 8.

[23] Ibid., p. 47; see specific sanctions categorized in Table 10.

[24] See a full review of their training in Mary Turner, "Civic Education in the United States," *Political Education in Flux*, eds. D. Heater and J. Gillespie (Beverly Hills, Cal.: Sage, 1981).

[25] Henning et al., *Mandate for Change*, chap. 6.

[26] William Boyd, "The Changing Politics of Curriculum Policy-Making for American Schools," *Review of Educational Research* 48 (1978): 577-628. There may well be First Amendment problems in such standardization; see the legal research in Stephen Arons, *Compelling Belief* (New York: McGraw-Hill, 1983).

[27] George Gallup, "The 15th Annual Gallup Poll of the Public's Attitudes towards the Public Schools," *Phi Delta Kappan* 65 (1983): 41-42.

[28] Ibid., p. 43.

[29] Kenneth Langton and M. Kent Jennings, "Political Socialization and the High School Civics Curriculum in the United States," *American Political Science Review* 62 (1968): 852-867.

[30] Philip Piele and John Hall, *Budgets, Bonds, and Ballots (Lexington, Mass.: Lexington Books, 1973).*

[31] This literature is reviewed in Wirt and Kirst, *Schools in Conflict*, chap. 5.

[32] Mary Raywid, *The Axe-Grinders* (New York: Macmillan, 1962); Jack Nelson and Gene Roberts, Jr., *The Censors and the Schools* (Boston: Little, Brown, 1963); Hillel Black, *The American Schoolbook* (New York: Morrow, 1967).

[33] See the studies in Jon Schaffarzick and Gary Sykes, eds., *Value Conflicts and Curriculum Issues* (Berkeley, Cal.: McCutchan, 1979).

[34] Edgar Litt, "Civic Education, Community Norms, and Political Indoctrination," *American Sociological Review* 28 (1963): 71-72; Martin Levin, "School Climates and Political Socialization," *Public Opinion Quarterly* 25 (1961): 596-606.

[35] For similar reviews, see Franklin Patterson, "Citizenship and the High School: Representative Current Practices," *The Adolescent Citizen*, ed. F. Patterson, (New York: Free Press, 1960); Bryon Massialas, "American Government," *Social Studies in the United States*, C. Cox and Massialas eds. (New York: Harcourt Brace Javonovich, 1967).

[36] See the literature review in Turner, "Civic Education in the United States."

[37] Langton and Jennings, "Political Socialization."

[38] Cited in Black, *The American Schoolbook*, pp. 91-92.

[39] Ibid., pp. 93-95.

[40] Merlyn Gubser, "Anti-democratic Attitudes of American Educators," *School and Community* 54 (1967): 14-16; John Weiser and James Hayes, "Democratic Attitudes of Teachers and Prospective Teachers," *Phi Delta Kappan* 47 (1966): 476-481. More recently, see Arons, *Compelling Belief*.

[41] Howard Becker, "The Teacher in the Authority System of the Public School," *Journal of Educational Sociology* 27 (1958): 127-141.

[42] Richard Merelman, "Democratic Politics and the Culture of American Education," *American Political Science Review* 74 (1980): 320.

[43] Langton and Jennings, "Political Socialization."

[44] See the exchange in *American Political Science Review* 74 (1980): 320-341 and *American Political Science Review* 75 (1981): 155-156.

[45] National Assessment of Educational Progress (NAEP), *Education for Citizenship: A Bicentennial Survey* (Denver: NAEP, 1976), chap. 3.

[46] Mary Jackman, "General and Applied Tolerance: Does Education Increase Commitment to Racial Integration?" *American Journal of Political Science* 23 (1978): 303-325. This research is challenged in Michael Corbett, "Education and Political Tolerance: Group-Relatedness and Consistency Reconsidered," *American Politics Quarterly* 8 (1980): 345-360 and Sullivan et al., *Political Tolerance*.

[47] Wirt and Kirst, *Schools in Conflict*, p. 153.

[48] Tyack, *The One Best System*.

[49] Tyack and Hansot, *Managers of Virtue*.

[50] Robert Salisbury, "Schools and Politics in the Big City," *Harvard Educational Review* 37 (1967): 408-424.

[51] Wirt and Kirst, *Schools in Conflict*, chap. 1.

[52] Michael Kirst and Decker Walker,"Curriculum Decisions in the Political Systems," *Review of Educational Research* 41 (1971): 89-110.

[53] Wirt and Kirst, *Schools in Conflict*, pp. 156-159; Larry Cuban, "Determinants of Curriculum Change and Stability," *Value Conflicts*, eds. Schaffarzick and Sykes.

[54] Ann and Roger Scott, *Reform and Reaction in the Deep North: Education and Decision Making in Queensland* (Melbourne: Centre for the Study of Education, University of Melbourne, 1981).

[55] See Boyd, "The Changing Politics of Curriculum Policy Making," pp. 603-609, for a discussion of the role of nonincrementalism in curriculum.

9.

Federalism in Secondary School American History and Government Textbooks

Ellis Katz
Temple University

Textbooks represent the principal way that curriculum is structured for both teachers and students. What is included in a text, in what order the information is sequenced, how much space is devoted to particular topics, and, most importantly, what is written about those topics, are all decisions made by every textbook author and his or her publisher. No matter how objective or neutral a text claims to be, decisions about the content of the book are based on some assumptions about the nature of reality.

In the study of American government, federalism is both a topic to be considered and an assumption about the nature of American political institutions and processes. This perspective of federalism yields valuable insights into the nature of the American political system—insights that are unlikely to be discovered by those who approach the subject from other perspectives.

The purpose of this essay is to explore how a number of popular high school American history and government texts approach both the topic and perspective of federalism. It is intended to be a "federalism guide" for teachers as they use a textbook in their history and government classes. It identifies a number of topics traditionally covered in high school history and government courses—the Constitutional Convention, the institutions of national government, the Civil War, and the New Deal—and evaluates how they are treated in the texts from the perspective of federalism. Where it is appropriate, the essay suggests alternative treatments based on a federalism orientation towards American politics.

The essay is not intended to be definitive; indeed the only way to be definitive would be to write an entirely new text. Instead, the more modest goal is to suggest ways of thinking about historical developments and political processes which we believe are more in keeping with American tradition and the American reality.

At a recent meeting on civic education, a former high school social studies department chairman observed that he was often surprised by how much teachers argued about which textbooks to use in their high school American history and government courses.[1] In his view, the available texts were alike in their treatment of the American system—bland, non-controversial, and filled with dry institutional description. As a result, the job of the teacher rested less on the task of selecting the "right" textbook than on supplementing essentially factual text treatments with resources and activities of an interesting, exciting, and relevant nature.

At that same meeting, Professor Frederick Wirt argued that the sameness of textbooks results from various pressures on publishers and purchasers alike against offending anyone. In his contribution to this collection, Wirt details the reasons why American history and civics texts are, in his words, bland.

Based on my own review of ten popular American history and government textbooks, undertaken especially for this collection, I have come to the same conclusion: the ten are essentially alike, and, with one possible exception, are dry institutional descriptions of American history and politics. (See Figure 1.) The government texts especially provide almost no consideration of theory, very little attention to the dynamics of the political process, and almost no discussion of issues—a view shared by other observers.[2]

But this essay is not a plea for more exciting textbooks. While I am sure that both teachers and students would appreciate more interesting texts, it will probably remain with classroom teachers to make the material more exciting to their students. Teachers will have to supplement the texts with their own knowledge and experience, especially where the texts are incomplete or misleading.

Figure 1
Textbooks Analyzed in this Study

Government Texts

Gillespie, Judith, and Stuart Lazarus. *American Government: Comparing Political Experiences.* Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1979.
Lewinski, Marcel. *American Government Today.* Glenview, Illinois: Scott, Foresman and Company, 1982.
McClenaghan, William A. *Magruder's American Government.* Boston: Allyn and Bacon, Inc., 1983.
Sanford, William R., and Carl R. Green. *Basic Principles of American Government.* New York: AMSCO School Publications, Inc., 1982.
Turner, Mary Jane, Kenneth Switzer, and Charlotte Redden. *American Government: Principles and Practices.* Columbus, Ohio: Charles E. Merrill Publishing Company, 1983.

History Texts

Berkin, Carol and Leonard Wood. *Land of Promise: A History of the United States.* Glenview, Illinois: Scott, Foresman and Company, 1983.
Davidson, James W. and Mark H. Lytle. *The United States: A History of the Republic.* Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1981.
Madgic, Robert F., Stanley S. Seaberg, Fred H. Stopsky, and Robert W. Winks. *The American Experience: A Study of Themes and Issues in American History.* Menlo Park, California: Addison-Wesley Publishing Company, 1979.
Todd, Lewis P. and Merle Curti. *Rise of the American Nation.* New York: Harcourt Brace and Javonovich Publishers, 1982.
Ver Steeg, Clarence L. and Richard Hofstadter. *A People and a Nation.* New York: Harper & Row, Publishers, 1981.

Nor will this essay be helpful to teachers in their attempts to make the teaching of history and government more exciting. Teachers, schooled in pedagogy and experienced in the classroom, are the best judge of how to "turn on" their students to the subject matter. Instead, this essay is intended to serve as a guide to federalism concerns for teachers as they read the existing history and civics texts. Textbooks, no matter how neutral or bland they appear, are based on some implicit conception of reality. How a text treats such subjects as civil rights and liberties, presidential power, or pressure groups reflects the author's conception of political reality. Similarly, how a history text approaches the American Civil War or the growth of the New Deal is based on assumptions about historical causation. All social phenomena are multi-dimensional, and what the author presents, and how it is presented, are a function of his or her own conceptualization of reality.

The starting assumption of the essays in this collection is that federalism is not simply a subject confined to one unit but a dimension (like pluralism and democracy) of the

American polity, and if one understands federalism properly, it provides insights into many aspects of the American political system that can be applied widely and effectively across the social studies curriculum.

American Government and Civics Texts

Five popular high school government texts were reviewed for their treatment of American federalism. The first is the 1983 edition of Magruder's *American Government*. This classic textbook first appeared in 1917 and has gone through sixty-three editions. The preface to the 1983 edition, written by William A. McClenaghan, describes the tradition of the Magruder text as follows: "Every edition of this book has one basic purpose: to describe, analyze and explain the American system of government" (p. v). However, this book is long on description and rather short on analysis and explanation.

The second set of texts—Lewinski's *American Government Today*, *Basic Principles of American Government* by Sanford and Green, and *American Government: Principles and Practices* by Turner, Switzer, and Redden—are all quite similar to each other, as well as to the Magruder classic.

The fifth text, *American Government: Comparing Political Experiences* by Gillespie and Lazarus, was developed out of the High School Political Science Curriculum Project of the American Political Science Association. The text's explicit goal is to instill "knowledge, intellectual skills and participation skills" (p. 14). Unlike the other four books, it attempts to incorporate the method and knowledge of modern political science into its analysis of the American system. More importantly, it emphasizes participatory skills and explicitly encourages participation in the political process. This approach provides the text with its strengths and weaknesses.

With the exception of the Gillespie-Lazarus text, these books are quite similar. While there is some minor variation among them, their basic structure is as follows:

1. One introductory chapter on "principles of government," usually comparing capitalism with socialism and individualism with collectivism.
2. One chapter on American political development from the colonial period, through the drafting of the Constitution, to its ratification.
3. One chapter on the Constitution, emphasizing some of its underlying principles and explaining the amendments added since 1789.
4. The Turner-Switzer-Redden and Magruder texts next introduce a separate chapter on federalism, while the other two texts include more limited discussion of federalism in the preceding chapter on the Constitution.
5. The Lewinski and Magruder texts then introduce a section on civil rights and liberties. The Sanford-Green text defers its discussion of civil liberties to the chapter on the role of the Supreme Court, while the Turner-Switzer-Redden text has only a limited discussion of the civil rights and liberties in the chapter on the Constitution.
6. All four texts also include three or four chapters on public opinion, voting, political parties, and interest groups in a section entitled "Political Participation" or "Political Life."
7. The texts all include sections on the Congress, the presidency, and the federal judicial system. Each of these national institutions is described in three or four chapters.
8. All of the texts have a separate section on state and local government. This section comes early in the Turner-Switzer-Redden text while the others treat it towards the end of their books. These units on state and local government range from three chapters in Sanford-Green to six chapters in Magruder.
9. Finally, some of the texts have separate sections on "issues," usually of international affairs, while others have a limited discussion of issues in the context of describing the federal bureaucracy.

The one exception to this general structure is the Gillespie-Lazarus text. It begins with a general discussion of political behavior and then explores that behavior in state-local, national, and international settings. Within each of these sections, the emphasis is on how political institutions relate to individuals. To support its emphasis on political participation, each of the three major sections includes a case study on how individuals can participate in politics and a hypothetical discussion among high school students about political decisionmaking on some school-related matter. In general, the book is a systematic attempt to develop and encourage skills of political participation. Whether or not this approach works in the classroom is up to each teacher to decide.

Given the similarity of the structure of the texts, it is not surprising that their treatment of federalism is also similar. Only the Magruder and Turner-Switzer-Redden texts have separate chapters on federalism. Each conceptualizes federalism as a set of legal relationships between the nation and the states. While there is some attention to federal-state fiscal relations, it is scanty, simply defining categorical grants, block grants, and revenue sharing. Except for a *pro forma* introductory paragraph or two, there is no discussion of the theory underlying federalism and hardly any attention to the political dynamics of federalism. (See Figure 2 for an outline of the headings in these two chapters.)

To the extent that the other texts treat federalism as a distinct topic, it is similar to that of the Magruder and Turner-Switzer-Redden texts, albeit abbreviated. The Gillespie-Lazarus text devotes only four pages to its section on federalism, focusing on the division of powers, rights and responsibilities, and conflicts of federalism (pp. 194-198). The Lewinski and Sanford-Green texts treat federalism in the context of the compromises made at the Constitutional Convention of 1787.

But, as Daniel J. Elazar points out in his contribution to this collection, federalism is not merely a "distinct topic." Rather, it is a theory about politics that undergirds the entire American system. As such, it can provide a consistent approach or perspective for understanding other political topics and exploring their inter-relationships. To suggest how this can be done, we return to the textbooks under consideration and their treatment of selected topics of American government and politics. Where these textbooks treat their subject matter from the perspective of federalism, this treatment is identified. Where the texts fall short, I suggest how a federalism perspective might enlighten the particular topic under consideration.

Given the structural similarity of the texts, eight topic areas have been selected for comparison. These topic areas and their bases of comparison are as follows:

1. In the introductory chapter on "principles of government," is federalism recognized as a fundamental form of political organization?
2. In the chapter dealing with the colonial experience and the framing and ratification of the Constitution, is federalism still treated as a principle of goverance, or merely as the result of political compromise between the large and small states?
3. In the chapter articulating constitutional principles, is federalism conceptualized as the theory undergirding

Figure 2
Federalism Treatments Compared

Magruder's American Government
Chapter 4. The Nation and the States. Federalism

I. Federalism Defined
II. Division of Powers
    A. The National Government, One of Delegated Powers
        1. Expressed Powers
        2. Implied Powers
        3. Inherent Powers
    B. Powers Denied to the National Government
    C. The States, Governments of Reserved Powers
    D. Powers Denied to the States
    E. Local Governments in the Federal System
    F. The Exclusive Powers
    G. The Concurrent Powers
III. The Supreme Law of the Land
    A. The Supreme Court, the Umpire in the Federal System
IV. The National Government's Obligations to the States
    A. Republican Form of Government
    B. Invasion and Domestic Violence
V. Cooperative Federalism
    A. Federal Grants-in-Aid
    B. Other Forms of Federal Aid
    C. State Aid to the National Government
VI. Interstate Relations
    A. Interstate Compacts
    B. Full Faith and Credit
    C. Extradition
    D. Privileges and Immunities
VII. The Admission of New States

American Government by Turner, Switzer, and Redden
Chapter 4. American Federal Government

I. Why Federalism
II. How Power is Divided
    A. Powers Granted to the National Government
        1. Enumerated Powers
        2. Implied Powers
        3. Inherent Powers
    B. Powers Denied to the National Government
    C. Powers Reserved to the States
    D. Powers Denied to the States
    E. Exclusive Powers
    F. Concurrent Powers
III. Intergovernmental Relations
    A. National Supremacy Clause
    B. Duties of the National Government to the States
        1. Republican Form of Government
        2. Invasion and Domestic Violence
IV. Changing Relations Among Governments
    A. Federal Grants-in-Aid
    B. Growth in National Power
    C. Resistance by the States
V. Relations Among the States
    A. Full Faith and Credit
    B. Privileges and Immunities
VI. Future of Federalism

the whole system, or simply as a device for dividing power?

4. In the chapter on political parties, is the confederal nature of the party system made clear, or are parties conceptualized as hierarchies?
5. With regard to public opinion and voting behavior, are such phenomena treated as national events, or are state variations recognized?
6. In looking at presidential selection, is the electoral college depicted as an undemocratic device, or as a reflection of the nature of the Union as a federal democracy?
7. In examining constitutional development, do considerations of federalism end with the Civil War, or is the federalism dimension of subsequent developments recognized?
8. Finally, how do the texts treat state and local government? Are they treated, respectively, as "polities" and "civil communities," or as mere "subnational" arms of the national government?

Principles of Government. The Magruder, Turner-Switzer-Redden, and Sanford-Green texts all discuss federalism in their introductory "principles of government" chapter. All three distinguish among forms of government along several dimensions, including a unitary-confederal-federal dimension. Both Magruder and Sanford-Green recognize that federalism involves a sharing of powers and that the constitutional authority behind this arrangement is superior to either the nation or the states. Definitions, however, can be misleading. The Turner-Switzer-Redden text defines a federal system as "one in which powers are shared between a central government and state or regional governments" (p. 10). The problem with this definition is twofold: most unitary systems share power with local authorities; and the idea of a "central" government is antithetical to federalism.

More importantly, except for a few comments in Magruder's chapter on federalism, none of the texts explain the importance of the unitary-confederal-federal distinction, or comment on why one society might select one form of government over another. Rather, the typology seems to be presented as a classification scheme to be memorized by students. (For a functional typology, see Daniel J. Elazar's contriubtion to this collection.)

The Constitutional Convention. All of the texts treat federalism as part of the Connecticut Compromise, by which the Convention accepted a bicameral national legislature. Unfortunately, all of the texts view that compromise as the result of the small state-large state political conflict at the convention; none of them even suggest that federalism might have a theoretical justification beyond the politics of the times. Nevertheless, these are relatively strong chapters in all of the texts; and, despite their shortcomings, they do provide fertile ground for a good teacher to raise fundamental political questions.

Constitutional Principles. Other than Gillespie-Lazarus, the texts all have substantial chapters on constitutional principles. For example, both Magruder and Turner-Switzer-Redden identify a number of fundamental constitutional principles, including federalism. However, both of these texts seem to undervalue federalism as a political principle. For example, Magruder writes that the framers

> . . . constructed the federal arrangement, with its division of powers, as a compromise. It was an alternative to the system of nearly independent States, loosely tied to one another in the weak Confederation, and a much too powerful central government. (p. 54).

Similarly, the Turner-Switzer-Redden text simply lists federalism as "another limit on government" (p. 57) and later refers to federalism as "another one of the compromises for which the delegates are famous" (p. 76). But the most troublesome statement is found in the Lewinski text. Lewinski claims that: "The delegates chose a federal form of government, in part, because, in 1787, there was no practical choice" and concludes that federalism was "a practical way to govern a large nation in which transportation and communication were, at best, slow" (p. 41).

The student of federalism would not deny that the framers of the Constitution were practical politicians. However, to conceptualize federalism as a "mere compromise," suitable only for the eighteenth century when "transportation and communication were, at best, slow," is to deprecate its contemporary relevance. In other words, if federalism was the best the framers could do, given the provincialism of their countrymen, then, at best, federalism is an archaic relic of the past, of interest only to students of American history. (For an analysis of federalism as a principle of constitutional choice, see the contributions by Daniel J. Elazar and Donald S. Lutz elsewhere in this collection.

Political Parties and Voting. All of the texts focus their discussion of political parties and voting behavior on national affairs, especially presidential elections. Only the Turner-Switzer-Redden text suggests that there is a significant state-to-state variation in such matters as voter turnout, party identification, and presidential elections.

At the same time, all of the texts recognize the crucial role of the states in presidential and congressional nominations. Similarly, they all recognize the relationship between federalism and party structure. For example, Magruder points out that "because the governmental system is decentralized, so too is the structure of each of the major parties" (p. 182). Turner-Switzer-Redden put it even more directly: "the decentralized party structure is a direct result of America's federal form of government" (p. 140). Probably the most vivid presentation of the importance of parties is in the Gillespie-Lazarus text. The authors describe national party organization as "a loose coalition of several groups" which come together only for presidential elections, and they go on to describe the parties' national committees as "loose federations of influential people from state parties" (p. 91). In general, while the chapters on political parties are extensive, a teacher would gain much useful insight from reading John Bibby's essay in this collection.

The Electoral College. The Magruder, Turner-Switzer-Redden, and Lewinski texts all have substantial sections on the electoral college within their chapters on the presidency. In general, the texts view the electoral college as an expression of the framers' fear of democracy rather than as a reflection of federalism. Given this perspective, it is not surprising that the authors tend to favor change in presidential elections. While not all of the authors are as blatant as Magruder, who claims that "the arguments for direct election seem overwhelming" (p. 374), all suggest that the electoral college is a relic from the past. None of the authors point out that no democracy in the world relies on a single-step electoral process for the selection of the national chief executive.[3]

Constitutional Developments. All of the texts discuss constitutional change in two contexts: the nationalization of the Bill of Rights and the growth of federal power under the interstate commerce clause. Magrudar, Turner-Switzer-Redden, and Sanford-Green have the most elaborate discussions of the nationalization of the Bill of Rights and all three mention that state constitutions also have significant bills of rights of their own. Conversely, none of the textbooks have adequate discussions of the expansion of federal power under the interstate commerce clause. While several of the texts recognize that "many of the laws passed by Congress in this Century that regulate society are based on the commerce power" (Turner-Switzer-Redden, p. 364), none see this in the context of federalism. For example, Lewinski merely points out that "the commerce clause has been used as a basis for minimum wage laws, laws protecting unions, laws banning discrimination in public places, and many, many other laws" (p. 242). Wanting is an analysis of how changes in the thinking about federalism accommodated these developments. (Constitutional developments of American federalism are examined by Samuel Krislov in his contribution to this collection.)

State and Local Government. Magruder (six chapters), Turner-Switzer-Redden (five chapters) and Lewinski (five chapters) provide the most extensive discussion of state and local government. While the Turner-Switzer-Redden and Lewinski chapters on state and local government are fairly straightforward descriptions of institutional structures, Magruder is quite critical of state and local government. For example, he claims that state constitutions are "almost without exception . . . in urgent need of reform" (p. 513); that unicameral legislatures would be more appropriate for the states, but that "tradition and inertia" (p. 520) prevent its adoption; that "much remains to be done" (p. 533) about reforming state legislatures; and that states "are plagued by the jerry-built way in which the executive branch has developed" (p. 552).

A related deficiency (and one that plagues college texts as well as the ones under consideration here) is the tendency to treat all states the same. Lewinski, for example, labels the first section of his chapter on state government "State governments are similar in structure" (p. 585). Absent from these texts is an attempt to probe for patterned differences among the states in terms of the ends these institutions are expected to serve and the ways in which they are used. (For a discussion of the role of the states as polities, see Stephen Schechter's contribution to this collection.) Teachers should also look for good books on their own states to supplement the material found in any general text.[4]

In general, federalism is not taken seriously in the texts examined here. Most texts introduce the idea of federalism as a fundamental form of political organization, differentiating it from unitary and confederal forms, but with no explanation of the importance of the distinction. In discussions of the Constitutional Convention, the texts tend to view federalism as a political compromise, as something that the framers were forced to accept because of the fears of the smaller states. Consequently, it is no surprise that the authors tend to view federalism as simply another constitutional device to obstruct governmental action, rather than as an underlying principle designed to foster power-sharing arrangements. Similarly, with few exceptions, the authors suggest that federalism has blocked the expansion of civil rights and liberties and is likely to continue to frustrate reforms in the electoral college. Nevertheless, the authors recognize the continued importance of federalism as they point out its impact on the American party system, and by their need to devote several chapters of their texts to the governance of states and communities.

American History Texts

The American history texts selected for examination were *Land of Promise*, by Berkin and Wood, *The United States: A History of the Republic* by Davidson and Lytle, *The American Experience* by Madgic et al., *A People and a Nation* by Ver Steeg and Hofstadter, and the two-volume *Rise of the American Nation* by Todd and Curti. (See Figure 1.)

The basic organization of all of the texts is quite similar. American history is divided into a series of "historical eras" with a unit or section of the text devoted to each era. Within each unit, three to five chapters are devoted to subtopics within the general context of the broader historical theme. The number of sections in each text varies from eight in Madgic to thirteen in Todd-Curti.

While each author defines the boundaries of the historical eras somewhat differently, there is a common pattern. Thus, the typical organization of the texts is as follows: (1) one or two sections beginning with the discovery of North America and concluding with the French-Indian Wars; (2) one section from the mid-1760s through the ratification of the Constitution; (3) one section beginning with the Federal-

Figure 3
Coverage of American History Textbooks, by Period

	Section	Section Title
I. Discovery through the 1760s		
Berkin & Wood	I	Colonial Origins
	II	The Thirteen Colonies
Davidson & Lytle	I	The Americas
Madgic	I	We The People
Todd & Curti	I	Building the Colonies
Ver Steeg & Hofstadter	I	Origins
II. 1760s through Ratification of Constitution		
Berkin & Wood	III	The Revolutionary Era
Davidson & Lytle	II	Creating a Republic
Madgic	I	(continuation of chapter)
Todd & Curti	II	Winning Independence
Ver Steeg & Hofstadter	II	Revolution
III. 1791 through the 1840s		
Berkin & Wood	VI	The Young Republic
Davidson & Lytle	III	An Emerging Nation
	IV	An Era of Expansion
Madgic	I	(continuation of chapter)
Todd & Curti	III	Building the Nation
Ver Steeg & Hofstadter	III	National Identity
IV. 1840s through Reconstruction		
Berkin & Wood	V	Expansion, Civil War, and Reconstruction
Davidson & Lytle	IV	(continuation of chapter)
	V	A Nation Torn Apart
Madgic	II	To Form a More Perfect Union
Todd & Curti	IV	The Rise of Sectionalism
	V	The Nation Torn Apart
Ver Steeg & Hofstadter	IV	National Growth
	V	War and Recovery
V. Reconstruction through the First World War		
Berkin & Wood	IV	Industrial Transformation
	VII	Becoming a World Power
Davidson & Lytle	VI	Transforming a Nation
	VII	Entering a Modern Age
Madgic	III	To Insure Domestic Tranquility
	IV	To Regulate Commerce
	V	To Provide for the Common Defense
Todd & Curti	VI	Rebuilding the Nation
	VII	Rise of Industrialism
	VIII	The Arrival of Reform
	IX	Becoming a World Power
Ver Steeg & Hofstadter	VI	Reform
	VII	Imperialism
VI. The 1920s through the Election of 1932		
Berkin & Wood	VIII	Prosperity and Depression
Davidson & Lytle	VIII	The Roaring Twenties
Madgic	VI	To Promote the General Welfare
Todd & Curti	X	The Golden Twenties and the New Deal
Ver Steeg & Hofstadter	VII	Renewal
VII. The New Deal and the Second World War		
Berkin & Wood	IX	War and Cold War
Davidson & Lytle	IX	A Time of Trial
Madgic	VI	(continuation of chapter)
Todd & Curti	XI	From Isolationism Through World War II
Ver Steeg & Hofstadter	VII	(continuation of chapter)
VIII. The End of World War II through 1960		
Berkin & Wood	IX	(continuation of chapter)
Davidson & Lytle	X	The United States in a Changing World
Madgic	VII	To Secure the Blessing of Liberty
Todd & Curti	XII	Reshaping the Postwar World
Ver Steeg & Hofstadter	XI	Crisis
IX. Modern America since 1960		
Berkin & Wood	X	Modern America
Davidson & Lytle	X	(continuation of chapter)
Madgic	VIII	To Establish Justice
Todd & Curti	XIII	Into a New Era
Ver Steeg & Hofstadter	IX	(continuation of chapter)

ist administration of George Washington and ending in the 1840s; (4) one section which discusses the roots of the American Civil War and ends with Reconstruction; (5) two or three sections from the end of Reconstruction, through industrialization and the Progressive movement, and concluding just before, or just after, the First World War; (6) a section on the 1920s, usually ending with the election of Franklin D. Roosevelt in 1932; (7) one or two sections on the Roosevelt years, covering the New Deal and the Second World War; (8) one section on the post-war period, usually ending with the election of 196[illegible], and (9) a final section on "modern America" which is usually defined as beginning in 1960. (See Figure 3.)

As with the American government texts, it is possible to compare the American history texts in terms of their treatment of federalism. Eight comparison points have been developed and are as follows:

1. To what extent is the diversity among the colonies discussed in the chapters on the pre-constitutional period?
2. To what extent is federalism discussed in the chapters on the framing and ratification of the Constitution?
3. In the period 1791-1860, is adequate attention given to the following: (a) the Jefferson-Hamilton debate over the meaning of the Constitution; (b) the decisions of Chief Justice John Marshall; (c) the nullification controversy; and (d) the federalism aspect of the issues involved in the events leading to the Civil War?
4. To what extent is federalism discussed as an aspect of Reconstruction, the adoption of the Fourteenth Amendment, and early Supreme Court interpretations of that Amendment?
5. Is federalism raised as an issue in the discussion about Supreme Court interpretations of federal authority over economic activity, culminating in the crisis of 1937?
6. To what extent is federalism discussed in dealing with the expansion of civil rights and liberties, especially during the 1960s?
7. To what extent are recent federal initiatives, especially the Great Society programs, discussed in the context of federalism?
8. Finally, and most generally, do the texts treat federalism as an important topic in the twelve decades since the Civil War?

Colonial Diversity. Except for Madgic's text, the history textbooks discuss fully the diversity among the colonies in terms of their foundings, their patterns of settlement, their economics, their social structures and their political arrangements. The texts continue to stress the diversity of the states during later settlement periods and as new states were added to the Union. Unfortunately, consideration of diversity, except as it is related to social pluralism, appears to come to an abrupt halt with the closing of the American land frontier.

Federalism in the Constitution. All of the texts have lengthy sections, or even separate chapters, on the framing and ratification of the Constitution, including a discussion of the basic principles of the Constitution. The Berkin-Wood text includes a separate chapter entitled "Examining the Constitution" (pp. 203-243). In addition, all of the texts include an annotated copy of the Constitution, either in an appendix (Davidson-Lytle and Madgic) or directly in the section on the Constitution (Berkin-Wood, Todd-Curti, and Ver Steeg-Hofstadter).

All of the texts have two or three page sections on federalism, some of which are quite sophisticated. The Davidson-Lytle text examines federalism as "the central feature of the American political system" (p. 160) and Madgic refers to it as "the most remarkable feature of the structure" (p. 57) of American government.

However, the teacher must be careful with some of the wording in these sections. For example, while the Ver Steeg-Hofstadter text points out that the powers of the national government are "derived from the citizens of the nation as a whole" (p. 100), the Todd-Curti text claims that "each state delegates some of its power to the national government" (p. 157), which is misleading.

In general, however, these are strong chapters and provide the teacher with ample information for a useful discussion of federalism.

Federalism Issues from Founding to Civil War. Most of the texts recognize that the nature of the federal union was a major issue that colored many of the political controversies that took place during the early years of the republic. For example, all of the texts discuss the Jefferson-Hamilton debate over the chartering of the national bank and recognize the different perspectives held by the Federalists and Jeffersonian-Republicans as political parties developed. The Ver Steeg-Hofstadter text, for example, points out that the "Jeffersonian-Republicans" placed great faith in state governments and advocated restraint in the national government and a strict interpretation of the Constitution" (p. 152).

Similarly, all of the texts discuss the Virginia and Kentucky Resolutions and the Jackson-Calhoun controversy over nullification. At the same time, the texts vary in the treatment of the Supreme Court in these crucial matters. For example, while Ver Steeg-Hofstadter have a brief treatment of *Martin v. Hunter's Lessee* and *Cohens v. Virginia*, Todd-Curti merely claim that "Marshall strengthened the federal government at the expense of the states" (p. 219).

Finally, all of the texts discuss thoroughly the federalism dimension of the various crises leading to the Civil War. Madgic, especially, devotes a section to "The State's Rights Controversy" (pp. 109-111), in which he discusses the Kentucky and Virginia Resolutions, the Hartford Convention, Calhoun's doctrine of nullification, and the Lincoln-Douglas debates. In general, all of the texts discuss the controversy over the authority of the federal government to prohibit the spread of slavery into the territories as an important issue preceding the Civil War.

Federalism and Reconstruction. All of the texts recognize that federalism was a major issue during the Reconstruction era. For example, they all point to the difference between Lincoln's position that the Confederate states had never left the Union, and the congressional view that the defeated Southern states had to be readmitted to the Union. In addition, they all point out that one reason Congress insisted on the Fourteenth Amendment was its doubts about the constitutionality of its civil rights legislation. However, none of the texts pursue this theme. For example, while all of the texts mention the Fourteenth Amendment, none explain its impact on the federal system. Even to the extent that the texts cite Supreme Court decisions interpreting the Fourteenth Amendment, the discussion is scanty and usually in the context of civil rights rather than of federalism. In this regard, it is worth noting that while all of the texts cite *Plessy v. Ferguson* (or at least allude it), none mentions the *Slaughterhouse Cases*.

Federalism, Economic Regulation, and the New Deal. All of the texts trace the development of the expanding American economy after the Civil War and the attempts, especially by Presidents Roosevelt and Wilson, to regulate the large corporations. All of the texts pay special attention to the "trust busting" activities of Presidents Roosevelt and Taft. However, few of the texts discuss the *totality* of constitutional issues involved in the growth of governmental authority. Only the Todd-Curti and Ver Steeg-Hofstadter texts go into any detail about the judicial reaction to this development. The Todd-Curti text, for example, cites *U.S. v. E.C. Knight Company*, noting that it rendered the Sherman Antitrust Act "almost meaningless." However, the authors mention only that the Knight Company was found "not guilty . . . because its control of the refining process alone did not involve restraint of interstate trade" (p. 99-100). Similarly, Ver Steeg-Hofstadter claim that the federal child labor law was declared unconstitutional in *Hammer v. Dagenhart* "on the grounds that the law was meant to regulate manufacturing rather than interstate commerce" (p. 526). In neither case is there any reference to the Court's use of the Tenth Amendment in creating a "twilight zone of federalism" by the totality of its decisions.

Given this background, it is not surprising that the student is ill-prepared to understand the constitutional crisis of 1937. The texts mention that the Supreme Court struck down the Agricultural Adjustment Act and the National Industrial Recovery Act (NIRA), and that, as a result, President Roosevelt attempted to "pack the Court." However, where specific cases are cited, the authors' interpretations are at odds with one another. Consider these three explanations of the case of *Schechter Poultry Corp. v. U.S.*; Todd-Curti claim that "the Supreme Court held that in giving the federal government the right to regulate interstate commerce, the Constitution did not give the government the power to regulate every aspect of business" (p. 261). Davidson-Lytle, in explaining the same case, write that the NIRA was declared unconstitutional because "the federal government had no power to regulate intrastate commerce" (p. 573). And, with regard to the same case, Madgic holds that the Supreme Court's decision should be taken to mean that "the Federal Government had no right to determine wages, hours and conditions in businesses not engaged in interstate commerce" (p. 458).

In general, the texts ignore the federalism dimension of the controversy over federal regulation of the economy, choosing to view it as a simple struggle between progressive forces for greater regulation and conservative forces against it. Clearly, the "liberal-conservative" dimension of the controversy was important, even defining. But to see the crisis of 1937 in these terms alone ignores the seventy years of constitutional debate that preceded it and incompletely prepares the reader to deliberate the implications that flowed from it.

Federalism and Civil Rights. All of the texts discuss *Brown v. Board of Education*, the dramatic confrontation between President Eisenhower and Governor Faubus over the integration of the schools in Little Rock, Arkansas, and the development of the civil rights movement generally. While all of the texts (except, perhaps, Todd-Curti) have substantial discussions of Southern opposition to school integration, none mention the spread of the school desegregation controversy to the North. In fact, only the Ver Steeg-Hofstadter text even mentions that the Supreme Court upheld busing as a method of desegregating schools. And, while all of the texts discuss federal laws to enforce civil rights, none raises the matter of state and local anti-discrimination statutes.

Beyond this treatment of civil rights, only three texts discuss other important issues of civil rights and liberties. Davidson-Lytle has a section on "The Supreme Court and Crime," citing such decisions as *Miranda v. Arizona* and *Mapp v. Ohio*. Madgic and Ver Steeg-Hofstadter have somewhat broader sections, discussing such issues as legislative reapportionment and Bible reading in the public schools. However, the clear theme of these discussions is the spread of individual rights, not their dynamics in the federal system.

Federalism and the Great Society. While all of the texts discuss President Johnson's Great Society initiatives, there are only occasional allusions to the fact that the programs were to operate in a federal setting. For example, the Davidson-Lytle text mentions that Medicaid "provided funds for states to assist poor people of all ages" (p. 673). But unless one reads the texts very carefully, it is difficult to know whether the federal government operated these programs directly or in cooperation with the states.

The situation is not much improved with the texts' treatment of developments since 1968. The Davidson-Lytle text, for example, makes no mention of the Nixon domestic programs, and only Todd-Curti and Berkin-Wood mention revenue sharing. Finally (although this may be more a function of publication deadlines than of authors' intentions), only the Berkin-Wood text mentions President Reagan's New Federalism initiatives.

Federalism and Modern America. Several of the texts have separate chapters on contemporary issues. However, only Madgic raises issues that even resemble questions of federalism. After discussing the growth of government and the search for community, Madgic writes:

> Even if we are far from Jefferson's ideal of a genuinely free society of self-governing communities, there are still local units and communities which form a counterpoise to the total state. (p. 691)

The attitude towards federalism found in the other text is, perhaps, best summarized by Todd-Curti:

> some of the founders of the national government were concerned that the national government must not have too much power. During the early 1800s, debates on how powers should be divided between federal and state governments were common. The Civil War seemed to settle the question, firmly establishing that the federal government had supreme authority (p. 466).

In summary, the history texts under consideration, while recognizing the importance of federalism in the framing of the Constitution and in American politics until the Civil War, seem to suggest that federalism has been irrelevant to the development of the United States over the past 120 years. Though the cardinal question of the supremacy of the Union was indeed decided by the Civil War, the results actually served to establish federalism as the framework of American politics in ways that had not been possible a century earlier.

Conclusion

In his study of American civics and government texts, Richard C. Remy concluded that their "treatment of federalism is narrow in scope. The dynamics of the federal system and important aspects of federalism's role in American political life are omitted."[5] He concludes that "many of the textbooks could be useful instructional tools especially when we remember that they are only one part of a larger classroom instructional system managed by the teacher."[6] It is hoped that this essay, when read in conjunction with the other essays in this collection, enables the development of instructional systems of civic education capable of integrating federalism as a principle and perspective of American politics.

Endnotes

[1] Barry Adler, Comments at a meeting on "Utilizing Federalist Principles in Civic Education," sponsored by the Center for the Study of Federalism, Chicago, Illinois, 31 August 1983.

[2] See Richard C. Remy, "Treatment of the Constitution in Civics and Government Textbooks," in Howard D. Mehlinger, ed., *Teaching About the Constitution in American Secondary Schools* (Washington, D.C.: American Historical Association and American Political Science Association, 1981), pp. 107-128. Also see John J. Patrick, "Treatment of the Constitution in Secondary Level American History Textbooks," *Teaching About the Constitution*, pp. 89-106.

[3] In one of the more thoughtful introductory college textbooks on American government, Martin Diamond argues that the electoral college is in fact directly democratic, only federally, not nationally. Martin Diamond, Winston Mills Fisk, and Herbert Garfinkel, *The Democratic Republic: An Introduction to American National Government* (2nd ed.; Chicago: Rand McNally, 1972), pp. 412-416.

[4] The Center for the Study of Federalism has prepared a series of state study guides and bibliographies for the American Political Science Association. Guides are currently available on the government and politics of Arkansas, Florida, Illinois, Maine, Michigan, New Jersey, and Pennsylvania.

[5] Richard C. Remy, "Treatment of the Constitution," p. 121.

[6] Ibid., p. 126.

10.

Resources on Federalism for Curriculum Development

John Kincaid
North Texas State University

The literature on American federalism is voluminous. However, much of that literature is in the form of journal articles and specialized studies, which are of limited utility for secondary school teachers and general readers. Rather than overwhelm the individual who wishes to learn more about American federalism in order to enrich his or her teaching or general knowledge, this essay highlights a few key resources that are well worth reading. Those who would like to extend their studies beyond the books cited here may consult the bibliographic resources contained in the other essays in this collection.

Foundings and Principles

Any study of American federalism must include *The Federalist* papers. These eighty-five essays—written by Alexander Hamilton, James Madison, and John Jay—were published in New York City newspapers under the pen name Publius in 1787-1788. *The Federalist* papers were written to convince readers of the merits of ratifying the new constitution proposed by the Constitutional Convention of 1787. In the process, the essays provide detailed explanations of the provisions of the United States Constitution and of the ideas the framers seem to have had in mind when they drafted the various portions of the Constitution. There is some bias of course because the authors seek to defend the Constitution; however, unlike many newspaper columns of today, *The Federalist* papers are rich in thoughtful analyses and penetrating insights, so much so that they are regarded by many people as the single best expression of American political thought.

The Federalist papers are available in a handy paperback edition assembled by Clinton Rossiter (New York: Mentor Books, 1961). Rossiter's edition contains a useful introduction, an annotated table of contents, and a substantial index. Another excellent edition, assembled directly from the newspaper columns of 1787-1788, is that of Jacob E. Cooke, ed., *The Federalist* (Middletown, Conn.: Wesleyan University Press, 1961). This edition contains useful notes, cross references, and index citations. It is also available in paperback (New York: Bantam Books, 1982).

Those wishing to zero in immediately on federalism can begin by reading numbers 9, 37, 39, and 45. Number 9 discusses the founders' invention of modern federalism for the new United States, explains why federal union is important, contrasts modern federalism with older federal or confederal theories and practices, and provides an initial definition of the federalism embodied in the U.S. Constitution. Number 37 comments on certain problems associated with federalism, which were encountered in the Constitutional Convention, and discusses both the need and difficulty of drawing lines between the federal and state governments. Number 39 elaborates on basic principles of the founders' federalism. Number 45 addresses the issue of states' rights in connection with republican liberty, considers threats to the authority of the states from the national government, and concludes that the states might very well maintain the upper hand in the union. After these four essays, one may wish to read numbers 10 and 51, which contain James Madison's famous theory of the "extended republic" and his conclusion about the need for "a proper federal system" to preserve liberty in a large and diverse civil society, such as that to be created by the proposed union of the thirteen states.

For a further analysis of *The Federalist* papers, one can turn to Vincent Ostrom's *The Political Theory of a Compound Republic* (Blacksburg: Center for the Study of Public Choice, Virginia Polytechnic Institute and State University, 1971). In this book, Ostrom seeks to elucidate the basic idea of the federal principal developed in *The Federalist's* view of the proposed union as being a "compound republic," namely, partly national and partly confederal. Ostrom argues that *The Federalist* makes a major contribution to modern political theory by leading us away from thinking about political life in unitary and hierarchic terms. Instead, political life can be thought of in terms of complexity, multiple centers of power, and "concurrent regimes" (e.g., the states and the nation).

Those wishing to delve even more deeply into the formation of the federal union by examining other primary sources can consult Max Farrand, ed., *The Records of the Federal Convention of 1787,* 4 vols. (New Haven: Yale University Press, 1966). These records consist of James Madison's notes on the proceedings of the convention.

For a broader picture of public sentiment in 1787-1788, one can look at Jonathan Elliott, ed., *The Debates in the Several State Conventions on the Federal Constitution,* 5 vols. (Philadelphia: J.B. Lippincott, 1901; reprint, Charlottesville, Va.: The Michie Company, n.d.). Elliott's collection, however, is not comprehensive. Selective omissions give a misleading impression of the actual range of views expressed during the ratification campaign.

A nearly comprehensive collection of documents is now being published under the general title of *The Documentary History of the Ratification of the Constitution* (Madison: State Historical Society of Wisconsin). The first three volumes were edited by Merrill Jensen and are entitled *Constitutional Documents and Records, 1776-1787* (published in 1976), *Ratification of the Constitution by the States: Pennsylvania (1976), and Ratification of the Constitution by the States: Delaware, New Jersey, Georgia, Connecticut* (1978). To date, one other volume farther ahead in the series, Vol. 13, has been published. This one, edited by John P. Kaminsky and Gaspare J. Saladino, is entitled *Commentaries on the Constitution (1): Public and Private, 21 February-November 1787* (1981).

No study of the founding period would be complete without a look at the Antifederalists, whose ideas about face-to-face democracy, moral conscience, civic virtue, and the public good have often been downgraded too easily by historians and political scientists. Now for the first time, a large body of their writings is available in seven volumes entitled *The Complete Anti-Federalist* edited by Herbert J. Storing, with the assistance of Murray Dry (Chicago: University of Chicago Press, 1981). The introductory essay by Storing, available separately as a paperback, provides an excellent overview of the Antifederalists and their ideas.

A pithy and insightful introduction to basic principles of

American constitutionalism is Andrew C. McLaughlin's *Foundations of American Constitutionalism* (New York: Fawcett Publications, 1961; reprint, Magnolia, Mass.: Peter Smith, 1972). McLaughlin devotes a chapter to the foundations of American federalism. Read in conjunction with the rest of the book, McLaughlin helps one to locate the idea of federalism in the context of the overall design and background of the United States Constitution. McLaughlin also examines indigenous sources of American constitutionalism stretching back to Puritan ideas of covenant. The historic links between covenant and federalism are suggested linguistically by the fact that the word *federal* comes from the Latin *foedus*, meaning *covenant*.

A rather thorough discussion of principles in relation to the entire system of American government is *The Democratic Republic: An Introduction to American National Government*, by Martin Diamond, Winston Mills Fisk, and Herbert Garfinkel (2nd ed.; Chicago: Rand McNally, 1972). Diamond's contributions are now available in paperback under the title *The Founding of the Democratic Republic* (Itasca, Ill.: F.E. Peacock, 1982), making this a most useful teaching resource as well as a reader for intelligent students.

For a broad-ranging discussion of the principles of American federalism, one can read Daniel J. Elazar, ed., *The Federal Polity*, a special issue of *PUBLIUS: The Journal of Federalism* 3 (Fall 1973). The nine essays by contemporary scholars in this volume provide a variety of perspectives on federal principles and their operation in contemporary America.

Another book worth reading is Donald S. Lutz, *Popular Consent and Popular Control: Whig Political Theory in the Early State Constitutions* (Baton Rouge: Louisiana State University Press, 1980). This book is important for two reasons. First, the author demonstrates the many indigenous sources of American constitutionalism. Quite a number of textbooks on American government emphasize the influences of John Locke, William Blackstone, and English political traditions on the drafting of the United States Constitution as though the framers had few ideas or traditions of their own. Lutz, however, shows that by 1787 Americans already had a long and rich history of state and local constitutionalism that differed in many respects from English ideas and traditions. Second, Lutz shows how Americans developed their constitutional ideas from 1620 to 1787 and how the Federalists emerged in the 1780s to formulate still newer ideas suitable for the achievement of the federal union.

Finally, one can round out one's reading on foundings and principles by consulting an important nineteenth-century commentator on American life and government, the French observer, Alexis de Tocqueville, whose *Democracy in America*, ed. J.P. Mayer (Garden City, N.Y.: Doubleday, 1969) remains a classic. The United States Constitution "is the most perfect federal constitution that ever existed," according to Tocqueville. Although he doubted whether the American federal union would be able to stand up to the strong centralized powers of Europe of the 1830s, Tocqueville admired the way in which federalism protected local liberties in America, fostered meaningful local attachments and participation, accommodated the diversity of peoples and towns in the United States, and combined the advantages of small and large republics.

There are, of course, a great many other books on the founding era and on the drafting and ratification of the United States Constitution, but those cited above will provide a solid foundation in the historic principles and bases of American federalism. Together, these books suggest that modern federalism is a significant and original American contribution to political life and thought, and that federalism is not merely a static structure of government. More fundamentally, it is a principle and a process of governance intimately linked to liberty and to other ends sought by Americans in the Revolution and in the formation of the federal union.

Federalism in American History

Ratification of the United States Constitution set in place the federal framework of the new union, but it did not settle all questions of how federalism could or should work in practice. These issues were worked out over the course of time and, indeed, are still being debated today, as reflected in the public discussions of President Ronald Reagan's New Federalism proposals.

The first half of the nineteenth century was marked by several sharp controversies over the nature of the federal union, including the Eleventh Amendment (1795), the Kentucky and Virginia Resolutions (1798-1799), the Hartford Convention (1814-1815), the U.S. Supreme Court's *McCulloch* v. *Maryland* decision (1819), attempted nullifications of federal laws by state governments, and John C. Calhoun's theory of concurrent majorities. Disputes culminated in mid-century with the Civil War which, in the words of U.S. Chief Justice Salmon P. Chase, settled the nature of the federal union as "an indestructible Union, composed of indestructible States" (*Texas* v. *White*, 74 U.S., 7 Wall. 700, 725, 1869). After the Civil War, the U.S. Supreme Court developed the idea of "dual federalism" in many of its decisions. Dual federalism was the view that the states and the national government occupy separate and distinct spheres of operation.

At the same time, however, even while the states and the nation contested over certain matters and the U.S. Supreme Court tended to define issues in terms of dual federalism after the Civil War, the actual operations of the federal system generally unfolded in what has been called a more "cooperative" direction. This trend in American federalism is most fully examined in Daniel J. Elazar, *The American Partnership: Intergovernmental Co-operation in the Nineteenth-Century United States* (Chicago: University of Chicago Press, 1962). This book shows that patterns of cooperation in governance, mutual aid, and the provision of public services characterized relations between the states and the nation from the very beginning. The book discusses the operations of cooperative federalism in such areas as banking, internal improvements (e.g., roads and canals), schools and education, and welfare services.

Elazar argues that there have been three periods of cooperative federalism in the United States. The first period extended from about 1775 to 1840 when the "major vehicles of intergovernmental co-operation were the joint-stock company for long-term co-operative projects and the co-operative survey carried out with the widespread use of federal technicians by the states as a means of providing federal services-in-aid to the latter. . . . Co-operation in the field of banking was the most uniformly structured throughout the Union. . . . Federal aid to education was vital but generally consisted of 'backdoor financing' " (p. 313). The second period extended from about 1848 to 1913, during which "land-grant programs became the predominant form of intergovernmental co-operation." Other forms of mutual aid and public service cooperation intensified during this period as well. The third period has extended from about 1913 to the present. Cash grants-in-aid have become the predominant form of intergovernmental cooperation, coupled with an overall intensification of intergovernmental relations, such that virtually all public services provided to the American people involve shared responsibilites on the part of the federal government and state and local governments.

Not everyone is in agreement on this "cooperative" view of the history of American federalism. Harry N. Scheiber, in his *Condition of American Federalism: An Historian's View,* argues that cooperative federalism was a late development occurring after 1940. He sees three prior periods of American federalism: the first, from 1790 to 1860, being one of "rivalistic state mercantilism" and dual federalism; the second, from 1860 to 1933, being one of "centralizing federalism"; and the third, from 1933 to 1941, being one of the "New Deal and new federalism." Scheiber's essay is available in Mavis Mann Reeves and Parris N. Glendening, eds., *Controversies of State and Local Political Systems* (Boston: Allyn and Bacon, 1972).

Further elaboration of the development of American federalism and intergovernmental relations in the early years of the republic can be found in Leonard D. White's studies, *The Federalists: A Study in Administrative History* (1948), *The Jeffersonians: A Study in Administrative History, 1801-1829* (1951), and *The Jacksonians: A Study in Administrative History, 1829-1861* (1954)—all published by the Macmillan Company in New York. Another useful study is Lynton K. Caldwell's *The Administrative Theories of Hamilton and Jefferson: Their Contribution to Thought on Public Administration* (Chicago: University of Chicago Press, 1944). The book includes extensive discussions of the views and policies of Alexander Hamilton and Thomas Jefferson regarding the federal union and the roles of the states. For an overview of activities in the states during the founding era, one can consult Allan Nevins, *The American States During and After the Revolution, 1775-1789* (1924; reprint, New York: Augustus M. Kelley, 1969).

An excellent discussion of the period between Reconstruction and World War I can be found in Loren P. Beth, *The Development of the American Constitution, 1877-1917* (New York: Harper Torchbooks, 1971). This is not a legalistic study of the Constitution, but an elaboration of its political and social development during the urban-industrial revolution. Among other things, in analyzing the federal system, Beth examines five types of cooperation: (1) informal cooperation; (2) intergovernmental agreements and contracts; (3) joint or cooperative uses of federal, state, and local personnel; (4) interdependent law and administration; and (5) financial aid flowing between governments.

Given that the New Deal of the 1930s has generally been regarded as a watershed in the development of contemporary American federalism, one may wish to consult James T. Patterson, *The New Deal and the States: Federalism in Transition* (Princeton, N.J.: Princeton University Press, 1969). It has often been said that the New Deal resulted in a significant centralization of power in the hands of the national government and, thereby, distortion of American federalism. Patterson, however, reveals that the New Deal era was much more complex. The administration of Franklin D. Roosevelt generally cooperated with state officials and frequently looked to the states for legislative and policy ideas ultimately adopted as New Deal programs. Some states resisted the New Deal, many adapted to it, and still others pioneered and spearheaded New Deal ideas, occasionally going even beyond the scope of national thrusts. While the federal government did expand its sphere of activity, so did most of the states by the end of that era. What resulted was a more dense and complex intergovernmental system characterized by numerous cooperative endeavors.

One of the first detailed examinations of contemporary cooperative federalism is William Anderson, *The Nation and the States: Rivals or Partners?* (Minneapolis: University of Minnesota Press, 1955). This book is the author's minority report for the (Kestnbaum) Commission on Intergovernmental Relations, which was appointed by President Dwight D. Eisenhower to study the federal system and make recommendations for improvement. In this book, Anderson sets forth his views on the legitimacy and strength of cooperative federalism.

Another early and detailed examination of contemporary cooperative federalism can be found in Morton Grodzins, *The American System: A New View of Government in the United States,* ed. Daniel J. Elazar (Chicago: Rand McNally, 1966). Among other things, Grodzins is well known for his metaphoric conception of the American system as a marble cake; that is,

> the American system of government as it operates is not a layer cake . . . It is not three layers of government, separated by a sticky substance or anything else. Operationally, it is a marble cake . . . No important activity of government in the United States is the exclusive province of one of the levels, not even what may be regarded as the most national of national functions, such as foreign relations; not even the most local of local functions, such as police protection and park maintenance (p. 8).

Grodzins' book provides an overall view and a great many examples of the workings of this dynamic, cooperative system.

Federalism Today

An excellent introduction to contemporary American federalism is a widely used text by Daniel J. Elazar entitled *American Federalism: A View from the States* (3rd ed.; New York: Harper and Row, 1984). The author defines federalism "as the mode of political organization that unites separate polities within an overarching political system by distributing power among general and constituent governments in a manner designed to protect the existence and authority of both" (p. 2).

There are several distinctive features of this book. One is a focus on political processes in the federal system: namely, bargaining, negotiation, and cooperation. Second, there is an emphasis on the states as "the keystones of the American governmental arch." Third, the book examines the roles of localities as "civil communities" in the federal system. Fourth, the book discusses three American political subcultures—which the author terms *individualistic, moralistic,* and *traditionalistic*—and shows how they shape political life in the various states and influence American federalism. This examination of political culture is one of the best known features of this book and has been found to be useful to teachers for helping students to understand the diversity that exists in the United States. A collection of specific studies of the effects and manifestations of American political culture is available in John Kincaid, ed., *Political Culture, Public Policy, and the American States* (Philadelphia: ISHI Press, 1982).

Another widely used text is *Pragmatic Federalism: An Intergovernmental View of American Government* by Parris N. Glendening and Mavis Mann Reeves (2nd ed.; Pacific Palisades, Cal.: Palisades Publishers, 1983). This book focuses on the nuts and bolts of American federalism and offers a thorough review of the actors, agencies, and interests involved in the daily operations of the federal system. In the process, the book provides considerable data on various aspects of the system.

The leading text on intergovernmental relations is Deil S. Wright's *Understanding Intergovernmental Relations: Public Policy and Participants' Perspectives in Local, State, and National Governments* (2nd ed.; Monterey, Cal.: Brooks/Cole, 1982). This book is a thorough analysis of virtually all aspects of intergovernmental relations, including, of course, detailed information about fiscal federalism and grants-in-aid. Those interested in an older and even larger examination of intergovernmental relations, which Wright has called "the magnum opus of the field," can turn to W. Brooke Graves, *American Intergovernmental Relations: Their Origins, Historical Development, and Current Status* (New York: Scribner's Sons, 1964).

Various aspects of the American grant-in-aid system are discussed in *The Politics of Federal Grants* by George E. Hale and Marian Lief Palley (Washington, D.C.: Congressional Quarterly Press, 1981). The importance and growth of this system of fiscal federalism is suggested, for example, by the fact that the federal government made some $12 million available to state and local governments in 1913, while by 1982, the amount of federal aid exceeded $82 billion. Two key issues in the politics of federal aid are the degree to which federal control follows federal dollars and the degree to which state and local governments may be too dependent on federal aid. To what degree does federal aid strengthen state and local governments, and to what degree does it strengthen the federal government's leverage over states and localities? Different aid programs have different effects, though overall, it appears that state and local governments have held their own fairly well as effective partners in the federal system.

A recent book that takes a critical view of developments in the federal system is David B. Walker, *Toward A Functioning Federalism* (Cambridge, Mass.: Winthrop Publishers, 1981). This book discusses historical developments in American federalism and argues that the federal system has become too complex and overloaded with intergovernmental relationships, regulations, and grants-in-aid to work properly and efficiently. Instead of a "division of labor" between the federal, state, and local governments, there is a confusion of roles according to the author. This view is not held by all observers of the federal system. Others argue that the system promotes choice and flexibility, among other things, and that the federal system is not designed for a neat division of labor.

There are several good compilations available that provide primary resources, such as excerpts from *The Federalist* papers and court opinions, as well as essays and studies about American federalism. A large, though older, collection is *Cooperation and Conflict: Readings in American Federalism* edited by Daniel J. Elazar, R. Bruce Carroll, E. Lester Levine, and Douglas St. Angelo (Itasca, Ill.: F.E. Peacock, 1969). The primary sources and articles in this collection provide broad coverage of the field.

One may also wish to consult four briefer collections. One is Aaron Wildavsky, ed., *American Federalism in Perspective* (Boston: Little, Brown, 1967). This book includes articles on ideas of federalism throughout the world, American federalism, and Australian, Canadian, and West German federalism. Another collection is Valerie Earle, ed., *Federalism: Infinite Variety in Theory and Practice* (Itasca, Ill.: F.E. Peacock, 1968). This book focuses mostly on historical and comparative federalism.

A third collection is Daniel J. Elazar, ed., *The Politics of American Federalism* (Lexington, Mass.: D.C. Heath, 1969). This book emphasizes the theoretical framework of American federalism, various aspects of federalism in action, and problems and prospects for American federalism. A fourth collection is Richard D. Feld and Carl Grafton, eds., *The Uneasy Partnership: The Dynamics of Federal, State, and Urban Relations* (Palo Alto, Cal.: National Press Books, 1973). The essays in this book focus more on structures and policies in the federal system.

For a convenient collection of rather classic essays, one can turn to Robert A. Goldwin, ed., *A Nation of States: Essays on the American Federal System* (2nd ed.; Chicago: Rand McNally, 1974). The seven essays in this volume are more philosophical and theoretical in nature, but not difficult to understand, and provide useful insights into basic and enduring features of American federalism. The essays examine the federal system as it operates and review the arguments about how it should operate. For an earlier collection of this type, one can consult George C.S. Benson, ed., *Essays in Federalism* (Claremont, Cal.: Institute for Studies in Federalism, 1961).

A more recent collection of essays entitled *American Federalism: A New Partnership for the Republic*, ed. Robert B. Hawkins, Jr. (San Francisco: Institute for Contemporary Studies, 1982) provides current assessments and reassessments of the federal system, especially in light of President Reagan's New Federalism proposals.

Finally, to keep up with developments in American federalism, one can consult *PUBLIUS: The Journal of Federalism* published quarterly by the Center for the Study of Federalism. Among its quarterly issues, *PUBLIUS* publishes an annual review of American federalism that focuses on very specific developments occurring each year.

The States and their Civil Communities Today

American federalism cannot be understood simply from a national viewpoint as is so often implied in American government textbooks. The states are the vital constituent polities of the federal union. Whatever may have been said about the weaknesses of the states in the past, whether accurate or not, can no longer be said for most of the states. Over the last generation and a half, the states have undergone a remarkable renaissance, with each state carving out a distinctive path for itself. Most of the states have either adopted new constitutions or substantially revised older ones. All of the states have acted to strengthen, upgrade, and modernize their governmental systems in various ways. Many more states now have healthier, more diversified economies that make them less dependent upon the fortunes of any single industry or agricultural product. In the case of some states, it can be said that their governmental systems operate better than that of the federal government.

For a useful introduction to politics in the states, state government institutions, and policymaking in the states, one can consult Virginia Gray, Herbert Jacob, and Kenneth N. Vines, eds., *Politics in the American States: A Comparative Analysis* (4th ed.; Boston: Little, Brown, 1983). This book contains a useful annotated bibliography at the end of each chapter that can direct one to other resources on particular topics.

An older but still useful book is Ira Sharkansky, *The Maligned States: Policy Accomplishments, Problems, and Opportunities* (New York: McGraw-Hill, 1972). This book is a defense of the importance of strong state governments in which the author argues that: "If any segment of government promises the resources to meet the most pressing of our social problems, it is the states" (p. 1). The book examines the strengths and diversity of the fifty states, their financial problems and reforms, higher education in the states, the states in the federal system, the states and urban problems, and future prospects for the states.

For a wealth of current information and data about the states, one can consult *The Book of the States*, an annual publication of The Council of State Governments in Lexington, Kentucky. On visiting Washington, D.C., especially with students, one should consider including the Hall of the States on one's itinerary.

Recent information about particular states is also available in a series of books written by Neal R. Peirce, a journalist, and published by W.W. Norton in New York. These are: *The Megastates of America: People, Politics, and Power in the Great States* (1972), *The Mountain States of America: People, Politics, and Power in the Eight Rocky Mountain States* (1972), *The Pacific States of America: People, Politics, and Power in the Five Pacific Basin States* (1972), *The Great Plains States of America: People, Politics, and Power in the Nine Great Plains States* (1973), and *The Deep South States: People, Politics, and Power in the Seven Deep South States* (1974). Each state chapter contains information about the historical and political development of the state, significant actors and interests in state politics, the cultural climate of the state, economic development, major cities, recent significant events, and other interesting tidbits of information.

For an update on developments in the states and an overview of all of them, one can read Neal R. Peirce and Jerry Hagstrom, *The Book of America: Inside the Fifty States Today* (New York: W.W. Norton, 1983).

Local governments are integral significant forces in the federal system as well and should not be overlooked in any study of American federalism. Local government is no longer a "lost world of political science" as one scholar described it in the 1950s. Home rule and other constitutional and legislative provisions for counties and cities in many states have increased the ability of local governments to serve their publics. Suburbanization and more dispersed migration throughout the nation have transformed local governments in virtually every state. At the same time, states have developed closer cooperative ties with their localities, and local governments have developed direct relations of their own with the federal government.

A useful early look at the development of these dynamics can be found in Roscoe C. Martin, *The Cities and the Federal System* (New York: Atherton, 1965). Another book that traces the federal government's involvement in urban affairs is Mark I. Gelfand, *A Nation of Cities: The Federal Government and Urban America, 1933-1965* (New York: Oxford University Press, 1975).

A way of understanding local governments in the context of the federal system is developed by Daniel J. Elazar in *Cities of the Prairie: The Metropolitan Frontier and American Politics* (New York: Basic Books, 1970). This author suggests that many localities can be regarded as civil communities. "A civil community consists of the sum of the governments and quasi-governments that function in a given locality and that are tied together in a single bundle of governmental activities and services. This bundle of governmental activities and services is manipulated in the locality to serve the local political value system" (p. 460). What are the roles of the civil community?

> As one focal point within the national civil society, the civil community serves in five major capacities: as an acquirer of outside aids—governmental and nongovernmental—for local needs; as an adapter of government actions and services to local values and conditions; as an experimenter with new functions and services (or readaptations of traditional ones); as an initiator of governmental programs of particular relevance locally that may or may not become widespread later; and as a means through which the local population may secure an effective voice in governmental decisions that affect them (pp. 415-416).

This book also contains a useful guide for studying the civil community.

Finally, for an example of the application of these ideas to a particular community, one can read Daniel J. Elazar, *The Politics of Belleville: A Profile of the Civil Community* (Philadelphia: Temple University Press, 1972).

Conclusion

There is a wealth of material available on American federalism. What we have discussed above is a sampling of many of the best books available as well as resource books able to provide one with primary materials and different points of view. These books can serve as guides for developing rich curriculum materials, and for teaching about American federalism in exciting and rewarding ways. Federalism is at the heart of the American system and is a distinctive American contribution to the art of free democratic governance in the modern world. As such, federalism deserves an important place in the education of young Americans.